

109TH CONGRESS  
1ST SESSION

# H. R. 1268

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IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2005

Ordered to be printed with the amendment of the Senate

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

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## AN ACT

Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, 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, 2005, and for other pur-*  
6       *poses, namely:*

1   **DIVISION A—EMERGENCY SUP-**  
2   **PLEMENTAL APPROPRIA-**  
3   **TIONS ACT FOR DEFENSE,**  
4   **THE GLOBAL WAR ON TER-**  
5   **ROR, AND TSUNAMI RELIEF,**  
6   **2005**

7   **TITLE I—DEFENSE RELATED APPROPRIATIONS**

8                   **CHAPTER 1**

9                   **DEPARTMENT OF DEFENSE**

10                  **DEPARTMENT OF DEFENSE—MILITARY**

11                  **MILITARY PERSONNEL**

12                  **MILITARY PERSONNEL, ARMY**

13       For an additional amount for “Military Personnel,  
14  Army”, \$11,779,642,000: *Provided*, That the amounts  
15 provided under this heading are designated as an emergency  
16 requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

19                  **MILITARY PERSONNEL, NAVY**

20       For an additional amount for “Military Personnel,  
21  Navy”, \$534,080,000: *Provided*, That the amounts pro-  
22 vided under this heading are designated as an emergency  
23 requirement pursuant to section 402 of the conference re-  
24 port to accompany S. Con. Res. 95 (108th Congress).

1                   **MILITARY PERSONNEL, MARINE CORPS**

2       For an additional amount for "Military Personnel,  
3 Marine Corps", \$1,251,726,000: *Provided*, That the  
4 amounts provided under this heading are designated as  
5 an emergency requirement pursuant to section 402 of the  
6 conference report to accompany S. Con. Res. 95 (108th  
7 Congress).

8                   **MILITARY PERSONNEL, AIR FORCE**

9       For an additional amount for "Military Personnel,  
10 Air Force", \$1,473,472,000: *Provided*, That the amounts  
11 provided under this heading are designated as an emer-  
12 geneey requirement pursuant to section 402 of the con-  
13 ference report to accompany S. Con. Res. 95 (108th Con-  
14 gress).

15                  **RESERVE PERSONNEL, ARMY**

16       For an additional amount for "Reserve Personnel,  
17 Army", \$40,327,000: *Provided*, That the amounts pro-  
18 vided under this heading are designated as an emergency  
19 requirement pursuant to section 402 of the conference re-  
20 port to accompany S. Con. Res. 95 (108th Congress).

21                  **RESERVE PERSONNEL, NAVY**

22       For an additional amount for "Reserve Personnel,  
23 Navy", \$11,111,000: *Provided*, That the amounts pro-  
24 vided under this heading are designated as an emergency

1 requirement pursuant to section 402 of the conference re-  
2 port to accompany S. Con. Res. 95 (108th Congress).

3           **RESERVE PERSONNEL, MARINE CORPS**

4       For an additional amount for “Reserve Personnel,  
5 Marine Corps”, \$4,115,000: *Provided*, That the amounts  
6 provided under this heading are designated as an emer-  
7 gency requirement pursuant to section 402 of the con-  
8 ference report to accompany S. Con. Res. 95 (108th Con-  
9 gress).

10           **RESERVE PERSONNEL, AIR FORCE**

11       For an additional amount for “Reserve Personnel,  
12 Air Force”, \$130,000: *Provided*, That the amounts pro-  
13 vided under this heading are designated as an emergency  
14 requirement pursuant to section 402 of the conference re-  
15 port to accompany S. Con. Res. 95 (108th Congress).

16           **NATIONAL GUARD PERSONNEL, ARMY**

17       For an additional amount for “National Guard Per-  
18 sonnel, Army”, \$430,300,000: *Provided*, That the  
19 amounts provided under this heading are designated as  
20 an emergency requirement pursuant to section 402 of the  
21 conference report to accompany S. Con. Res. 95 (108th  
22 Congress).

23           **NATIONAL GUARD PERSONNEL, AIR FORCE**

24       For an additional amount for “National Guard Per-  
25 sonnel, Air Force”, \$91,000: *Provided*, That the amounts

1 provided under this heading are designated as an emer-  
2 gency requirement pursuant to section 402 of the con-  
3 ference report to accompany S. Con. Res. 95 (108th Con-  
4 gress).

5           **OPERATION AND MAINTENANCE**

6           **OPERATION AND MAINTENANCE, ARMY**

7       For an additional amount for “Operation and Main-  
8 tenance, Army”, \$17,366,004,000: *Provided*, That the  
9 amounts provided under this heading are designated as  
10 an emergency requirement pursuant to section 402 of the  
11 conference report to accompany S. Con. Res. 95 (108th  
12 Congress).

13           **OPERATION AND MAINTENANCE, NAVY**

14       For an additional amount for “Operation and Main-  
15 tenance, Navy”, \$3,030,801,000: *Provided*, That the  
16 amounts provided under this heading are designated as  
17 an emergency requirement pursuant to section 402 of the  
18 conference report to accompany S. Con. Res. 95 (108th  
19 Congress).

20           **OPERATION AND MAINTENANCE, MARINE CORPS**

21       For an additional amount for “Operation and Main-  
22 tenance, Marine Corps”, \$982,464,000: *Provided*, That  
23 the amounts provided under this heading are designated  
24 as an emergency requirement pursuant to section 402 of

1 the conference report to accompany S. Con. Res. 95  
2 (108th Congress).

3           **OPERATION AND MAINTENANCE, AIR FORCE**

4       For an additional amount for “Operation and Main-  
5 tenance, Air Force”, \$5,769,450,000: *Provided*, That the  
6 amounts provided under this heading are designated as  
7 an emergency requirement pursuant to section 402 of the  
8 conference report to accompany S. Con. Res. 95 (108th  
9 Congress).

10          **OPERATION AND MAINTENANCE, DEFENSE-WIDE**

11       For an additional amount for “Operation and Main-  
12 tenance, Defense-Wide”, \$3,061,300,000 (reduced by  
13 \$1,000,000) (increased by \$1,000,000), of which—

14           (1) not to exceed \$25,000,000 may be used for  
15 the Combatant Commander Initiative Fund, to be  
16 used in support of Operation Iraqi Freedom and Op-  
17 eration Enduring Freedom; and

18           (2) up to \$1,220,000,000, to remain available  
19 until expended, may be used for payments to reim-  
20 burse Pakistan, Jordan, and other key cooperating  
21 nations, for logistical, military, and other support  
22 provided, or to be provided, to United States mili-  
23 tary operations, notwithstanding any other provision  
24 of law: *Provided*, That such payments may be made  
25 in such amounts as the Secretary of Defense, with

1       the concurrence of the Secretary of State, and in  
2       consultation with the Director of the Office of Man-  
3       agement and Budget, may determine, in his disere-  
4       tion, based on documentation determined by the See-  
5       retary of Defense to adequately account for the sup-  
6       port provided, and such determination is final and  
7       conclusive upon the accounting officers of the United  
8       States, and 15 days following notification to the ap-  
9       propriate congressional committees: *Provided further,*  
10      That the Secretary of Defense shall provide quar-  
11      terly reports to the Committees on Appropriations  
12      on the use of funds provided in this paragraph: *Pro-  
13      vided further,* That the amounts provided under this  
14      heading are designated as an emergency requirement  
15      pursuant to section 402 of the conference report to  
16      accompany S. Con. Res. 95 (108th Congress).

17      **OPERATION AND MAINTENANCE, ARMY RESERVE**

18      For an additional amount for “Operation and Main-  
19      tenance, Army Reserve”, \$8,154,000: *Provided,* That the  
20      amounts provided under this heading are designated as  
21      an emergency requirement pursuant to section 402 of the  
22      conference report to accompany S. Con. Res. 95 (108th  
23      Congress).

1       OPERATION AND MAINTENANCE, NAVY RESERVE  
2       For an additional amount for "Operation and Main-  
3 tenance, Navy Reserve", \$75,164,000: *Provided*, That the  
4 amounts provided under this heading are designated as  
5 an emergency requirement pursuant to section 402 of the  
6 conference report to accompany S. Con. Res. 95 (108th  
7 Congress).

10 For an additional amount for "Operation and Main-  
11 tenance, Marine Corps Reserve", \$24,920,000: *Provided*,  
12 That the amounts provided under this heading are des-  
13 ignated as an emergency requirement pursuant to section  
14 402 of the conference report to accompany S. Con. Res.  
15 95 (108th Congress).

18 For an additional amount for "Operation and Main-  
19 tenance, Army National Guard", \$188,779,000: *Provided*,  
20 That the amounts provided under this heading are des-  
21 ignated as an emergency requirement pursuant to section  
22 402 of the conference report to accompany S. Con. Res.  
23 95 (108th Congress).

1       OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID  
2       For an additional amount for "Overseas Humanita-  
3       rian, Disaster, and Civic Aid", \$10,000,000, to remain  
4       available until September 30, 2006: *Provided*, That the  
5       amounts provided under this heading are designated as  
6       an emergency requirement pursuant to section 402 of the  
7       conference report to accompany S. Con. Res. 95 (108th  
8       Congress).

9                   AFGHANISTAN SECURITY FORCES FUND  
10                   (INCLUDING TRANSFER OF FUNDS)

11       For the "Afghanistan Security Forces Fund",  
12       \$1,285,000,000, to remain available until September 30,  
13       2006: *Provided*, That such funds shall be available to the  
14       Secretary of Defense, notwithstanding any other provision  
15       of law, for the purpose of allowing the Commander, Com-  
16       bined Forces Command-Afghanistan, or the Secretary's  
17       designee to provide assistance, with the concurrence of the  
18       Secretary of State, to the security forces of Afghanistan  
19       including the provision of equipment, supplies, services,  
20       training, facility and infrastructure repair, renovation, and  
21       construction, and funding: *Provided further*, That the au-  
22       thority to provide assistance under this section is in addi-  
23       tion to any other authority to provide assistance to foreign  
24       nations: *Provided further*, That the Secretary of Defense  
25       may transfer the funds provided herein to appropriations

1 for military personnel; operation and maintenance; Over-  
2 seas Humanitarian, Disaster, and Civic Aid; procurement;  
3 research, development, test and evaluation; and defense  
4 working capital funds to accomplish the purposes provided  
5 herein: *Provided further*, That this transfer authority is  
6 in addition to any other transfer authority available to the  
7 Department of Defense: *Provided further*, That upon a de-  
8 termination that all or part of the funds so transferred  
9 from this appropriation are not necessary for the purposes  
10 provided herein, such amounts may be transferred back  
11 to this appropriation: *Provided further*, That contributions  
12 of funds for the purposes provided herein from any person,  
13 foreign government, or international organization may be  
14 credited to this Fund, and used for such purposes: *Pro-*  
15 *vided further*, That the Secretary of Defense shall, not  
16 fewer than 5 days prior to making transfers from this ap-  
17 propriation, notify the congressional defense committees  
18 in writing of the details of any such transfer: *Provided*  
19 *further*, That the Secretary shall submit a report no later  
20 than 30 days after the end of each fiscal quarter to the  
21 congressional defense committees summarizing the details  
22 of the transfer of funds from this appropriation: *Provided*  
23 *further*, That the amounts provided under this heading are  
24 designated as an emergency requirement pursuant to see-

1 tion 402 of the conference report to accompany S. Con.  
2 Res. 95 (108th Congress).

3                   **IRAQ SECURITY FORCES FUND**  
4                   (**INCLUDING TRANSFER OF FUNDS**)  
5       For the “Iraq Security Forces Fund”,  
6       \$5,700,000,000, to remain available until September 30,  
7       2006: *Provided*, That such funds shall be available to the  
8       Secretary of Defense, notwithstanding any other provision  
9       of law, for the purpose of allowing the Commander, Multi-  
10      National Security Transition Command—Iraq, or the Sec-  
11      retary’s designee to provide assistance, with the concur-  
12      rence of the Secretary of State, to the security forces of  
13      Iraq including the provision of equipment, supplies, serv-  
14      ices, training, facility and infrastructure repair, renova-  
15      tion, and construction, 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 may transfer the funds provided herein to ap-  
20      propriations for military personnel, operation and mainte-  
21      nance; Overseas Humanitarian, Disaster, and Civic Aid;  
22      procurement; research; development; test and evaluation;  
23      and defense working capital funds to accomplish the pur-  
24      poses provided herein: *Provided further*, That this transfer  
25      authority is in addition to any other transfer authority

1 available to the Department of Defense: *Provided further,*  
2 That upon a determination that all or part of the funds  
3 so transferred from this appropriation are not necessary  
4 for the purposes provided herein, such amounts may be  
5 transferred back to this appropriation: *Provided further,*  
6 That contributions of funds for the purposes provided  
7 herein from any person, foreign government, or inter-  
8 national organization may be credited to this Fund, and  
9 used for such purposes: *Provided further,* That, notwith-  
10 standing any other provision of law, from funds made  
11 available under this heading, up to \$99,000,000 may be  
12 used to provide assistance to the Government of Jordan  
13 to establish a regional training center designed to provide  
14 comprehensive training programs for regional military and  
15 security forces and military and civilian officials, to en-  
16 hance the capability of such forces and officials to respond  
17 to existing and emerging security threats in the region:  
18 *Provided further,* That assistance authorized by the pre-  
19 eeding proviso may include the provision of facilities,  
20 equipment, supplies, services, training and funding; and  
21 the Secretary of Defense may transfer funds to any Fed-  
22 eral agency for the purpose of providing such assistance:  
23 *Provided further,* That the Secretary of Defense shall, not  
24 fewer than 5 days prior to making transfers from this ap-  
25 propriation, notify the congressional defense committees

1 in writing of the details of any such transfer: *Provided*  
2 further, That the Secretary shall submit a report no later  
3 than 30 days after the end of each fiscal quarter to the  
4 congressional defense committees summarizing the details  
5 of the transfer of funds from this appropriation: *Provided*  
6 further, That the amounts provided under this heading are  
7 designated as an emergency requirement pursuant to sec-  
8 tion 402 of the conference report to accompany S. Con.  
9 Res. 95 (108th Congress).

10                   **PROCUREMENT**

11                   **AIRCRAFT PROCUREMENT, ARMY**

12       For an additional amount for "Aircraft Procurement,  
13 Army", \$458,677,000, to remain available until Sep-  
14 tember 30, 2007: *Provided*, That the amounts provided  
15 under this heading are designated as an emergency re-  
16 quirement pursuant to section 402 of the conference re-  
17 port to accompany S. Con. Res. 95 (108th Congress).

18                   **MISSILE PROCUREMENT, ARMY**

19       For an additional amount for "Missile Procurement,  
20 Army", \$340,536,000, to remain available until Sep-  
21 tember 30, 2007: *Provided*, That the amounts provided  
22 under this heading are designated as an emergency re-  
23 quirement pursuant to section 402 of the conference re-  
24 port to accompany S. Con. Res. 95 (108th Congress).

3        For an additional amount for "Procurement of Weap-  
4    ons and Tracked Combat Vehicles, Army",  
5    \$2,678,747,000, to remain available until September 30,  
6    2007: *Provided*, That the amounts provided under this  
7    heading are designated as an emergency requirement pur-  
8    suant to section 402 of the conference report to accom-  
9    pany S. Con. Res. 95 (108th Congress).

## 10 PROCUREMENT OF AMMUNITION, ARMY

11       For an additional amount for "Procurement of Am-  
12 munition, Army", \$532,800,000, to remain available until  
13 September 30, 2007. *Provided*, That the amounts provided  
14 under this heading are designated as an emergency re-  
15 quirement pursuant to section 402 of the conference re-  
16 port to accompany S. Con. Res. 95 (108th Congress).

17 OTHER PROCUREMENT, ARMY

**18 (INCLUDING TRANSFER OF FUNDS)**

19 For an additional amount for "Other Procurement,  
20 Army", \$6,634,905,000, to remain available until Sep-  
21 tember 30, 2007, of which \$85,000,000 shall be derived  
22 by transfer from "Iraq Freedom Fund". *Provided*, That  
23 the amounts provided under this heading are designated  
24 as an emergency requirement pursuant to section 402 of

1 the conference report to accompany S. Con. Res. 95  
2 (108th Congress).

## 3 AIRCRAFT PROCUREMENT, NAVY

4       For an additional amount for "Aircraft Procurement,  
5   Navy", \$200,295,000, to remain available until September  
6 30, 2007: *Provided*, That the amounts provided under this  
7 heading are designated as an emergency requirement pur-  
8 suant to section 402 of the conference report to accom-  
9 pany S. Con. Res. 95 (108th Congress).

## WEAPONS PROCUREMENT, NAVY

11 For an additional amount for "Weapons Procure-  
12 ment, Navy", \$71,600,000, to remain available until Sep-  
13 tember 30, 2007. *Provided*, That the amounts provided  
14 under this heading are designated as an emergency re-  
15 quirement pursuant to section 402 of the conference re-  
16 port to accompany S. Con. Res. 95 (108th Congress).

19 For an additional amount for "Procurement of Am-  
20 munition, Navy and Marine Corps", \$141,735,000, to re-  
21 main available until September 30, 2007: *Provided*, That  
22 the amounts provided under this heading are designated  
23 as an emergency requirement pursuant to section 402 of  
24 the conference report to accompany S. Con. Res. 95  
25 (108th Congress).

1                   **OTHER PROCUREMENT, NAVY**

2       For an additional amount for "Other Procurement,  
3  Navy", \$78,372,000, to remain available until September  
4  30, 2007: *Provided*, That the amounts provided under this  
5 heading are designated as an emergency requirement pur-  
6 suant to section 402 of the conference report to accom-  
7 pany S. Con. Res. 95 (108th Congress).

8                   **PROCUREMENT, MARINE CORPS**

9       For an additional amount for "Procurement, Marine  
10 Corps", \$3,588,495,000, to remain available until Sep-  
11 tember 30, 2007: *Provided*, That the amounts provided  
12 under this heading are designated as an emergency re-  
13 quirement pursuant to section 402 of the conference re-  
14 port to accompany S. Con. Res. 95 (108th Congress).

15                  **AIRCRAFT PROCUREMENT, AIR FORCE**

16       For an additional amount for "Aircraft Procurement,  
17 Air Force", \$279,241,000, to remain available until Sep-  
18 tember 30, 2007: *Provided*, That the amounts provided  
19 under this heading are designated as an emergency re-  
20 quirement pursuant to section 402 of the conference re-  
21 port to accompany S. Con. Res. 95 (108th Congress).

22                  **PROCUREMENT OF AMMUNITION, AIR FORCE**

23       For an additional amount for "Procurement of Am-  
24 munition, Air Force", \$6,998,000, to remain available  
25 until September 30, 2007: *Provided*, That the amounts

1 provided under this heading are designated as an emer-  
2 gene emergency requirement pursuant to section 402 of the con-  
3 ference report to accompany S. Con. Res. 95 (108th Con-  
4 gress).

5                   **OTHER PROCUREMENT, AIR FORCE**

6         For an additional amount for "Other Procurement,  
7 Air Force", \$2,658,527,000, to remain available until  
8 September 30, 2007: *Provided*, That the amounts provided  
9 under this heading are designated as an emergency re-  
10 quirement pursuant to section 402 of the conference re-  
11 port to accompany S. Con. Res. 95 (108th Congress).

12                   **PROCUREMENT, DEFENSE-WIDE**

13         For an additional amount for "Procurement, De-  
14 fense-Wide", \$646,327,000, to remain available until Sep-  
15 tember 30, 2007: *Provided*, That the amounts provided  
16 under this heading are designated as an emergency re-  
17 quirement pursuant to section 402 of the conference re-  
18 port to accompany S. Con. Res. 95 (108th Congress).

19                   **RESEARCH, DEVELOPMENT, TEST AND**  
20                           **EVALUATION**

21                   **RESEARCH, DEVELOPMENT, TEST AND EVALUATION,**

22                           **ARMY**

23         For an additional amount for "Research, Develop-  
24 ment, Test and Evaluation, Army", \$25,170,000, to re-  
25 main available until September 30, 2006: *Provided*, That

1 the amounts provided under this heading are designated  
2 as an emergency requirement pursuant to section 402 of  
3 the conference report to accompany S. Con. Res. 95  
4 (108th Congress).

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

7 For an additional amount for "Research, Develop-  
8 ment, Test, and Evaluation, Navy", \$202,051,000, to re-  
9 main available until September 30, 2006: *Provided*, That  
10 the amounts provided under this heading are designated  
11 as an emergency requirement pursuant to section 402 of  
12 the conference report to accompany S. Con. Res. 95  
13 (108th Congress).

14 **RESEARCH, DEVELOPMENT, TEST AND EVALUATION,**  
15 **AIR FORCE**

16 For an additional amount for "Research, Develop-  
17 ment, Test and Evaluation, Air Force", \$121,500,000, to  
18 remain available until September 30, 2006: *Provided*,  
19 That the amounts provided under this heading are des-  
20 ignated as an emergency requirement pursuant to section  
21 402 of the conference report to accompany S. Con. Res.  
22 95 (108th Congress).

## **1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,**

2 DEFENSE-WIDE

3       For an additional amount for "Research, Develop-  
4   ment, Test and Evaluation, Defense-Wide",  
5   \$159,600,000, to remain available until September 30,  
6   2006: *Provided*, That the amounts provided under this  
7   heading are designated as an emergency requirement pur-  
8   suant to section 402 of the conference report to accom-  
9   pany S. Con. Res. 95 (108th Congress).

## 10 REVOLVING AND MANAGEMENT FUNDS

## 11 DEFENSE WORKING CAPITAL FUNDS

12        For an additional amount for "Defense Working  
13 Capital Funds", \$1,411,300,000: *Provided*, That the  
14 amounts provided under this heading are designated as  
15 an emergency requirement pursuant to section 402 of the  
16 conference report to accompany S. Con. Res. 95 (108th  
17 Congress).

18 NATIONAL DEFENSE SEALIFT FUND

19       For an additional amount for "National Defense Sea-  
20 lift Fund", \$32,400,000, to remain available until ex-  
21 pended: *Provided*, That the amounts provided under this  
22 heading are designated as an emergency requirement pur-  
23 suant to section 402 of the conference report to accom-  
24 pany S. Con. Res. 95 (108th Congress).

## 1 OTHER DEPARTMENT OF DEFENSE PROGRAMS

## 2 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES;

3 DEFENSE

## 4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for "Drug Interdiction and

6 Counter-Drug Activities, Defense", \$257,000,000, to re-

7 main available until December 31, 2005. *Provided*, That

8 these funds may be used for such activities related to Af-

9 ghanistan and the Central Asia area. *Provided further*,

10 That the Secretary of Defense may transfer the funds pro-

11 vided herein only to appropriations for military personnel;

12 operation and maintenance; procurement; and research,

13 development, test and evaluation. *Provided further*, That

14 the funds transferred shall be merged with and be avail-

15 able for the same purposes and for the same time period

16 as the appropriation to which transferred. *Provided fur-*17 *ther*, That the transfer authority provided in this para-

18 graph is in addition to any other transfer authority avail-

19 able to the Department of Defense. *Provided further*, That

20 upon a determination that all or part of the funds trans-

21 ferred from this appropriation are not necessary for the

22 purposes provided herein, such amounts may be trans-

23 ferred back to this appropriation. *Provided further*, That

24 not to exceed \$70,000,000 of the funds provided herein

25 may be used to reimburse fully this account for obligations

1 incurred for the purposes provided under this heading  
2 prior to enactment of this Act: *Provided further*, That the  
3 amounts provided under this heading are designated as  
4 an emergency requirement pursuant to section 402 of the  
5 conference report to accompany S. Con. Res. 95 (108th  
6 Congress).

7                   **OFFICE OF THE INSPECTOR GENERAL**

8       For an additional amount for “Office of the Inspector  
9 General”, \$148,000: *Provided*, That the amounts provided  
10 under this heading are designated as an emergency re-  
11 quirement pursuant to section 402 of the conference re-  
12 port to accompany S. Con. Res. 95 (108th Congress).

13                   **RELATED AGENCIES**

14                   **INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT**

15       For an additional amount for “Intelligence Commu-  
16 nity Management Account”, \$250,300,000, of which  
17 \$181,000,000 is to remain available until September 30,  
18 2006: *Provided*, That the amounts provided under this  
19 heading are designated as an emergency requirement pur-  
20 suant to section 402 of the conference report to accom-  
21 pany S. Con. Res. 95 (108th Congress).

22                   **GENERAL PROVISIONS—THIS CHAPTER**

23                   **(TRANSFER OF FUNDS)**

24       SEC. 1101. Upon his determination that such action  
25 is necessary in the national interest, the Secretary of De-

1 fence may transfer between appropriations up to  
2 \$2,000,000,000 of the funds made available to the De-  
3 partment of Defense in this chapter. *Provided*, That the  
4 Secretary shall notify the Congress promptly of each  
5 transfer made pursuant to this authority. *Provided fur-*  
6 *ther*, That the transfer authority provided in this section  
7 is in addition to any other transfer authority available to  
8 the Department of Defense. *Provided further*, That the au-  
9 thority in this section is subject to the same terms and  
10 conditions as the authority provided in section 8005 of the  
11 Department of Defense Appropriations Act, 2005, except  
12 for the fourth proviso. *Provided further*, That the amounts  
13 made available by the transfer of funds in or pursuant  
14 to this section are designated as an emergency require-  
15 ment pursuant to section 402 of the conference report to  
16 accompany S. Con. Res. 95 (108th Congress).

17        *SEC. 1102.* Section 8005 of the Department of De-  
18 fence Appropriations Act, 2005 (Public Law 108-287;  
19 118 Stat. 969), is amended by striking “\$3,500,000,000”  
20 and inserting “\$5,500,000,000”. *Provided*, That the  
21 amounts made available by the transfer of funds in or pur-  
22 suant to this section are designated as an emergency re-  
23 quirement pursuant to section 402 of the conference re-  
24 port to accompany S. Con. Res. 95 (108th Congress).

## 1                             (TRANSFER OF FUNDS)

2        SEC. 1103. During fiscal year 2005, the Secretary  
3        of Defense may transfer amounts in or credited to the De-  
4        fense Cooperation Account, pursuant to section 2608 of  
5        title 10, United States Code, to such appropriations or  
6        funds of the Department of Defense as he shall determine  
7        for use consistent with the purposes for which such funds  
8        were contributed and accepted: *Provided*, That such  
9        amounts shall be available for the same time period as  
10      the appropriation to which transferred: *Provided further*,  
11      That the Secretary shall report to the Congress all trans-  
12      fers made pursuant to this authority: *Provided further*,  
13      That the amounts provided under this heading are des-  
14      ignated as an emergency requirement pursuant to section  
15      402 of the conference report to accompany S. Con. Res.  
16      95 (108th Congress).

17       SEC. 1104. (a) AUTHORITY TO PROVIDE SUP-  
18      PORT.—Of the amount appropriated by this Act under the  
19      heading, “Drug Interdiction and Counter-Drug Activities,  
20      Defense”, not to exceed \$34,000,000 may be made avail-  
21      able for support for counter-drug activities of the Govern-  
22      ment of Afghanistan, and not to exceed \$4,000,000 may  
23      be made available for support for counter-drug activities  
24      of the Government of Pakistan: *Provided*, That such sup-  
25      port shall be in addition to support provided for the

1 counter-drug activities of said Governments under any  
2 other provision of the law.

3       (b) TYPES OF SUPPORT.—(1) Except as specified in  
4 subsections (b)(2) and (b)(3) of this section, the support  
5 that may be provided under the authority in this section  
6 shall be limited to the types of support specified in section  
7 1033(e)(1) of the National Defense Authorization Act for  
8 Fiscal Year 1998 (Public Law 105-85, as amended by  
9 Public Law 106-398 and Public Law 108-136) and condi-  
10 tions on the provision of support as contained in section  
11 1033 shall apply for fiscal year 2005.

12       (2) The Secretary of Defense may transfer vehicles,  
13 aircraft, and detection, interception, monitoring and test-  
14 ing equipment to said Governments for counter-drug ac-  
15 tivities.

16       (3) For the Government of Afghanistan, the Sec-  
17 retary of Defense may also provide individual and crew-  
18 served weapons, and ammunition for counter-drug secu-  
19 rity forces.

20       SEC. 1105. The paragraph under the heading “Oper-  
21 ation and Maintenance, Defense-Wide” in title II of the  
22 Department of Defense Appropriations Act, 2005 (Public  
23 Law 108-287; 118 Stat. 954), is amended in the first pro-  
24 vise by striking “\$32,000,000” and inserting  
25 “\$40,000,000”.

1        SEC. 1106. For fiscal year 2005, the limitation under  
2 paragraph (3) of section 2208(l) of title 10, United States  
3 Code, on the total amount of advance billings rendered  
4 or imposed for all working capital funds of the Depart-  
5 ment of Defense in a fiscal year shall be applied by sub-  
6 stituting “\$1,500,000,000” for “\$1,000,000,000”.

7        SEC. 1107. Section 1201(a) of the Ronald W. Reagan  
8 National Defense Authorization Act for Fiscal Year 2005  
9 (Public Law 108-375; 118 Stat. 2077), as amended by  
10 section 102 of title I of division J of the Consolidated Ap-  
11 propriations Act, 2005 (Public Law 108-447), is further  
12 amended by striking “\$500,000,000” in the matter pre-  
13 ceding paragraph (1) and inserting “\$854,000,000”.

14       SEC. 1108. Section 8090(b) of the Department of De-  
15 fense Appropriations Act, 2005 (Public Law 108-287), is  
16 amended by striking “\$185,000,000” and inserting  
17 “\$210,000,000”.

18       SEC. 1109. (a) During calendar year 2005 and not-  
19 withstanding section 5547 of title 5, United States Code,  
20 the head of an Executive agency may waive the limitation,  
21 up to \$200,000, established in that section for total com-  
22 pensation, including limitations on the aggregate of basic  
23 pay and premium pay payable in a calendar year, to an  
24 employee who performs work while in an overseas location

1 that is in the area of responsibility of the Commander of  
2 the U.S. Central Command, in support of, or related to—

3           (1) a military operation, including a contin-  
4         gency operation; or

5           (2) an operation in response to a declared emer-  
6         gency.

7           (b) To the extent that a waiver under subsection (a)  
8 results in payment of additional premium pay of a type  
9 that is normally creditable as basic pay for retirement or  
10 any other purpose, such additional pay shall not be consid-  
11 ered to be basic pay for any purpose, nor shall it be used  
12 in computing a lump-sum payment for accumulated and  
13 accrued annual leave under section 5551 of title 5, United  
14 States Code.

15           (c) The Director of the Office of Personnel Manage-  
16 ment may issue regulations to ensure appropriate consist-  
17 ency among heads of executive agencies in the exercise of  
18 authority granted by this section.

19           SEC. 1110. Section 1096(b) of the Intelligence Re-  
20 form and Terrorism Prevention Act of 2004 (Public Law  
21 108-458) is amended—

22           (1) in the matter preceding paragraph (1), by  
23 striking “in the fiscal year after the effective date of  
24 this Act” and inserting “during fiscal years 2005  
25 and 2006”; and

1                   (2) in paragraph (1), by striking “500 new per-  
2                   sonnel billets” and inserting “a total of 500 new  
3                   personnel positions”.

4                   SEC. 1111. Section 1051a(e) of title 10, United  
5                   States Code, is amended by striking “September 30,  
6                   2005” and inserting “December 31, 2005”.

7                   SEC. 1112. Notwithstanding subsection (e) of section  
8                   308e of title 37, United States Code, the maximum  
9                   amount of the bonus paid to a member of the Armed  
10                  Forces pursuant to a reserve affiliation agreement entered  
11                  into under such section during fiscal year 2005 shall not  
12                  exceed \$10,000, and the Secretary of Defense, and the  
13                  Secretary of Homeland Security with respect to the Coast  
14                  Guard, may prescribe regulations under subsection (f) of  
15                  such section to modify the method by which bonus pay-  
16                  ments are made under reserve affiliation agreements en-  
17                  tered into during such fiscal year.

18                  SEC. 1113. (a) INCREASE IN SGLI MAXIMUM.—See-  
19                  tion 1967 of title 38, United States Code, is amended—  
20                  (1) in subsection (a)(3)(A)(i), by striking  
21                  “\$250,000” and inserting “\$400,000 or such lesser  
22                  amount as the member may elect in increments of  
23                  \$50,000”;

24                  (2) in subsection (a)(3)(B), by striking “member  
25                  or spouse” in the last sentence and inserting “mem-

1       ber, be evenly divisible by \$50,000 and, in the case  
2       of a member's spouse"; and

3           (3) in subsection (d), by striking "of \$250,000"  
4       and inserting "in effect under subsection  
5       (a)(3)(A)(i)".

6       (b) SPOUSE CONSENT AND BENEFICIARY NOTIFICA-  
7       TION.—Section 1967(a)(3)(B) of such title is amended—  
8           (1) by inserting "(i)" after "(B)", and  
9           (2) by adding at the end the following new  
10       clauses:

11                “(ii) A member who is married may  
12       not, without the written concurrence of the  
13       member's spouse—

14                   “(I) elect not to be insured under  
15       this subchapter or to be insured under  
16       this subchapter in an amount less  
17       than the maximum amount provided  
18       for under subparagraph (A)(i); or

19                   “(II) designate any other person  
20       as a beneficiary under this program.

21                “(iii) Whenever a member who is not  
22       married elects not to be insured under this  
23       subchapter or to be insured under this sub-  
24       chapter in an amount less than the max-  
25       imum amount provided for under subpara-

1 graph (A)(i), the Secretary concerned shall  
2 provide a notice of such election to any  
3 person designated by the member as a ben-  
4 efficiary or designated as the member's  
5 next-of-kin for the purpose of emergency  
6 notification, as determined under regula-  
7 tions prescribed by the Secretary of De-  
8 fense.”.

9 (e) LIMITATION ON SPOUSE COVERAGE TO AMOUNT  
10 OF MEMBER COVERAGE.—Section 1967(a)(3)(C) of such  
11 title is amended by inserting before the period at the end  
12 the following: “as applicable to such member under sub-  
13 paragraph (A)(i)”.

14 (d) CONFORMING AMENDMENTS TO VGLI PROVI-  
15 SIONS.—Section 1977 of such title is amended by striking  
16 “\$250,000” each place it appears and inserting  
17 “\$400,000”.

18 (e) MILITARY DEATH GRATUITY.—Section 1478 of  
19 title 10, United States Code, is amended—

20 (1) in subsection (a), by striking “\$12,000 (as  
21 adjusted under subsection (e))” and inserting  
22 “\$100,000”, and

23 (2) by striking subsection (e).

1       (f) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to deaths occurring  
3 on or after the date of the enactment of this Act.

4       SEC. 1114. (a) SPECIAL DEATH GRATUITY FOR CER-  
5 TAIN PRIOR DEATHS IN SERVICE.—In the case of the  
6 death of a member of the uniformed services that is a  
7 qualifying death (as specified in subsection (b)), the See-  
8 retary concerned shall pay a death gratuity of not more  
9 than \$238,000. Of that amount—

10              (1) \$150,000 shall be paid in the manner speci-  
11 fied in subsection (c); and

12              (2) \$88,000 shall be paid in the manner speci-  
13 fied in subsection (d).

14       (b) QUALIFYING DEATHS.—The death of a member  
15 of the uniformed services is a qualifying death for purpose  
16 of this section if—

17              (1) the member died during the period begin-  
18 ning on October 7, 2001, and ending on the day be-  
19 fore the date of the enactment of this Act;

20              (2) for the purpose of section 1114(a)(2), the  
21 death was a direct result of an injury or illness (or  
22 combination of one or more injuries or illness) in-  
23 curred in Operation Enduring Freedom or Operation  
24 Iraqi Freedom, as determined under regulations pre-  
25 scribed by the Secretary of Defense; and

1                   (3) for the purpose of section 1114(a)(1), the  
2     death was a direct result of an injury or illness (or  
3     combination of one or more injuries or illness) in-  
4     curred by any active duty military member in the  
5     performance of duty.

6                   (e) SGLI BENEFICIARIES.—A payment pursuant to  
7     subsection (a)(1) by reason of a covered death shall be  
8     paid—

9                   (1) to a beneficiary in proportion to the share  
10    of benefits applicable to such beneficiary in the pay-  
11    ment of life insurance proceeds paid on the basis of  
12    that death under the Servicemembers Group Life In-  
13    surance program under subchapter III of chapter 19  
14    of title 38, United States Code; or

15                   (2) in the case of a member who elected not to  
16    be insured under the provisions of that subchapter,  
17    in equal shares to the person or persons who would  
18    have received proceeds under those provisions of law  
19    for a member who is insured under that subchapter  
20    but does not designate named beneficiaries.

21                   (d) MILITARY DEATH GRATUITY BENEFICIARIES.—  
22    A payment pursuant to subsection (a)(2) by reason of a  
23    covered death shall be paid equal shares to the bene-  
24    ficiaries who were paid the death gratuity that was paid

1 with respect to that death under subchapter H of chapter  
2 75 of title 10, United States Code.

3 (e) STATUS OF PAYMENTS.—A death gratuity pay-  
4 able under this section by reason of a qualifying death  
5 is in addition to any other death gratuity or other benefit  
6 payable by the United States by reason of that death.

7 (f) DEFINITION.—For the purposes of this section,  
8 the term “Secretary concerned” has the meaning given  
9 that term in section 101 of title 37, United States Code.”.

10 SEC. 1115. Funds appropriated in this chapter, or  
11 made available by transfer of funds in or pursuant to this  
12 chapter, for intelligence activities are deemed to be specifi-  
13 cally authorized by the Congress for purposes of section  
14 504 of the National Security Act of 1947 (50 U.S.C. 414).

15 SEC. 1116. None of the funds provided in this chap-  
16 ter may be used to finance programs or activities denied  
17 by Congress in fiscal year 2004 and 2005 appropriations  
18 to the Department of Defense or to initiate a procurement  
19 or research, development, test and evaluation new start  
20 program without prior written notification to the congres-  
21 sional defense committees.

CHAPTER 2

~~DEPARTMENT OF DEFENSE~~

## ~~MILITARY CONSTRUCTION, ARMY~~

4 For an additional amount for “Military Construction,  
5 Army”, \$930,100,000, to remain available until Sep-  
6 tember 30, 2006: *Provided*, That \$669,100,000 of such  
7 additional amount may not be obligated until after that  
8 date on which the Secretary of Defense submits to the  
9 Committees on Appropriations of the House of Represent-  
10 atives and Senate the comprehensive master plans for  
11 overseas military infrastructure required by House Report  
12 108-342: *Provided further*, That notwithstanding any  
13 other provision of law, such funds may be obligated or ex-  
14 pended to carry out planning and design and military con-  
15 struction projects not otherwise authorized by law: *Pro-*  
16 *vided further*, That the amounts provided under this head-  
17 ing are designated as an emergency requirement pursuant  
18 to section 402 of the conference report to accompany S.  
19 Con. Res. 95 (108th Congress).

20 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

21 For an additional amount for "Military Construction,  
22 Navy and Marine Corps", \$92,720,000, to remain avail-  
23 able until September 30, 2006. *Provided*, That  
24 \$32,380,000 of such additional amount may not be obli-  
25 gated until after that date on which the Secretary of De-

1 fence submits to the Committees on Appropriations of the  
2 House of Representatives and Senate the comprehensive  
3 master plans for overseas military infrastructure required  
4 by House Report 108-342. *Provided further,* That not-  
5 withstanding any other provision of law, such funds may  
6 be obligated or expended to carry out planning and design  
7 and military construction projects not otherwise author-  
8 ized by law. *Provided further,* That the amounts provided  
9 under this heading are designated as an emergency re-  
10 quirement pursuant to section 402 of the conference re-  
11 port to accompany S. Con. Res. 95 (108th Congress).

12                   **MILITARY CONSTRUCTION, AIR FORCE**

13                  For an additional amount for "Military Construction,  
14 Air Force", \$301,386,000, to remain available until Sep-  
15 tember 30, 2006. *Provided,* That \$301,386,000 of such  
16 additional amount may not be obligated until after that  
17 date on which the Secretary of Defense submits to the  
18 Committees on Appropriations of the House of Represent-  
19 atives and Senate the comprehensive master plans for  
20 overseas military infrastructure required by House Report  
21 108-342. *Provided further,* That notwithstanding any  
22 other provision of law, such funds may be obligated or ex-  
23 pended to carry out planning and design and military con-  
24 struction projects not otherwise authorized by law. *Pro-*  
25 *vided further,* That the amounts provided under this head-

1 ing are designated as an emergency requirement pursuant  
2 to section 402 of the conference report to accompany S.  
3 Con. Res. 95 (108th Congress).

## **MILITARY PERSONNEL, ARMY**

5 For an additional amount for "Military Personnel,  
6 Army", \$1,542,100,000: *Provided*, That the amounts pro-  
7 vided under this heading are designated as an emergency  
8 requirement pursuant to section 402 of the conference re-  
9 port to accompany S. Con. Res. 95 (108th Congress).

## 10 OPERATION AND MAINTENANCE, ARMY

11       For an additional amount for "Operation and Main-  
12 tenance, Army", \$66,300,000: *Provided*, That the  
13 amounts provided under this heading are designated as  
14 an emergency requirement pursuant to section 402 of the  
15 conference report to accompany S. Con. Res. 95 (108th  
16 Congress).

17 DEFENSE HEALTH PROGRAM

18 For an additional amount for "Defense Health Pro-  
19 gram", \$175,550,000 for operation and maintenance: *Pro-*  
20 *vided*, That the amounts provided under this heading are  
21 designated as an emergency requirement pursuant to sec-  
22 tion 402 of the conference report to accompany S. Con.  
23 Res. 95 (108th Congress).

1    ~~TITLE II—INTERNATIONAL PROGRAMS AND AS-~~  
2        ~~SISTANCE FOR RECONSTRUCTION AND THE~~  
3        ~~WAR ON TERROR~~

4                    ~~CHAPTER 4~~

5                    ~~BILATERAL ECONOMIC ASSISTANCE~~  
6                    ~~FUNDS APPROPRIATED TO THE PRESIDENT~~  
7                    ~~UNITED STATES AGENCY FOR INTERNATIONAL~~  
8                    ~~DEVELOPMENT~~

9                    ~~INTERNATIONAL DISASTER AND FAMINE ASSISTANCE~~

10          For an additional amount for “International Disaster  
11 and Famine Assistance”, \$44,000,000 (increased by  
12 \$50,000,000), to remain available until expended, for  
13 emergency expenses related to the humanitarian crisis in  
14 the Darfur region of Sudan: *Provided*, That the amounts  
15 provided under this heading are designated as an emer-  
16 gency requirement pursuant to section 402 of the con-  
17 ference report to accompany S. Con. Res. 95 (108th Con-  
18 gress).

19                    ~~OPERATING EXPENSES OF THE UNITED STATES AGENCY~~  
20                    ~~FOR INTERNATIONAL DEVELOPMENT~~

21          For an additional amount for “Operating Expenses  
22 of the United States Agency for International Develop-  
23 ment”, \$24,400,000, to remain available until September  
24 30, 2006.

1 OPERATING EXPENSES OF THE UNITED STATES AGENCY  
2 FOR INTERNATIONAL DEVELOPMENT  
3 OFFICE OF INSPECTOR GENERAL

4 For an additional amount for "Operating Expenses  
5 of the United States Agency for International Develop-  
6 ment Office of Inspector General", \$2,500,000, to remain  
7 available until September 30, 2006.

8 OTHER BILATERAL ECONOMIC ASSISTANCE

9 ECONOMIC SUPPORT FUND

10 For an additional amount for "Economic Support  
11 Fund", \$684,700,000 (reduced by \$3,000,000), to remain  
12 available until September 30, 2006, of which up to  
13 \$200,000,000 may be provided for programs, activities,  
14 and efforts to support Palestinians.

15 For an additional amount for "Economic Support  
16 Fund", \$376,500,000, to remain available until Sep-  
17 tember 30, 2006: *Provided*, That these funds are hereby  
18 designated by Congress to be emergency requirements  
19 pursuant to section 402 of the conference report to accom-  
20 pany S. Con. Res. 95 (108th Congress).

21 ASSISTANCE FOR THE INDEPENDENT STATES OF THE  
22 FORMER SOVIET UNION

23 For an additional amount for "Assistance for the  
24 Independent States of the Former Soviet Union" for as-

1 sistance for Ukraine, \$33,700,000, to remain available  
2 until September 30, 2006.

3                   **DEPARTMENT OF STATE**

4                   **INTERNATIONAL NARCOTICS CONTROL AND LAW**

5                   **ENFORCEMENT**

6                   **(INCLUDING TRANSFER OF FUNDS)**

7       For an additional amount for "International Nar-  
8 eoties Control and Law Enforcement", \$594,000,000, to  
9 remain available until September 30, 2007, of which not  
10 more than \$400,000,000 may be made available to provide  
11 assistance to the Afghan police: *Provided*, That the  
12 amounts provided under this heading are designated as  
13 an emergency requirement pursuant to section 402 of the  
14 conference report to accompany S. Con. Res. 95 (108th  
15 Congress).

16                    **MIGRATION AND REFUGEE ASSISTANCE**

17       For an additional amount for "Migration and Ref-  
18 ugee Assistance", \$53,400,000 (increased by  
19 \$50,000,000), to remain available until September 30,  
20 2006: *Provided*, That the amounts provided under this  
21 heading are designated as an emergency requirement pur-  
22 suant to section 402 of the conference report to accom-  
23 pany S. Con. Res. 95 (108th Congress).

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

3 For an additional amount for "Nonproliferation,  
4 Anti-Terrorism, Demining and Related Programs",  
5 \$17,100,000, to remain available until September 30,  
6 2006: *Provided*, That the amounts provided under this  
7 heading are designated as an emergency requirement pur-  
8 suant to section 402 of the conference report to accom-  
9 pany S. Con. Res. 95 (108th Congress).

## 10 MILITARY ASSISTANCE

## 11 FUNDS APPROPRIATED TO THE PRESIDENT

## 12 FOREIGN MILITARY FINANCING PROGRAM

13 For an additional amount for the "Foreign Military  
14 Financing Program", \$250,000,000.

15 PEACEKEEPING OPERATIONS

16        For an additional amount for "Peacekeeping Oper-  
17 ations", \$10,000,000, to remain available until September  
18 30, 2006. *Provided*, That the amounts provided under this  
19 heading are designated as an emergency requirement pur-  
20 suant to section 402 of the conference report to accom-  
21 pany S. Con. Res. 95 (108th Congress).

## ~~GENERAL PROVISIONS~~ THIS CHAPTER

23 SEC. 2101. Section 307(a) of the Foreign Assistance  
24 Act of 1961 is amended by striking "Iraq,".

1 (RESCISSION)

2 SEC. 2102. The unexpended balance appropriated by  
3 Public Law 108-11 under the heading "Economic Sup-  
4 port Fund" and made available for Turkey is rescinded.

5 SEC. 2103. Section 559 of division D of Public Law  
6 ~~108-447~~ is amended by adding at the end the following:

7       “(e) Subsequent to the certification specified in sub-  
8 section (a), the Comptroller General of the United States  
9 shall conduct an audit and an investigation of the treat-  
10 ment, handling, and uses of all funds for the bilateral  
11 West Bank and Gaza Program in fiscal year 2005 under  
12 the heading ‘Economic Support Fund’. The audit shall ad-  
13 dress—

14               “(1) the extent to which such Program complies  
15       with the requirements of subsections (b) and (c),  
16       and

17               “(2) an examination of all programs, projects,  
18       and activities carried out under such Program, in-  
19       cluding both obligations and expenditures.”

20 SEC. 2104. The Secretary of State shall submit to  
21 the Committees on Appropriations not later than 30 days  
22 after enactment, and prior to the initial obligation of funds  
23 appropriated under this chapter, a report on the proposed  
24 uses of all funds on a project-by-project basis, for which  
25 the obligation of funds is anticipated: *Provided*, That up

1 to 10 percent of funds appropriated under this chapter  
2 may be obligated before the submission of the report sub-  
3 ject to the normal notification procedures of the Commit-  
4 tees on Appropriations: *Provided further*, That the report  
5 shall be updated and submitted to the Committees on Ap-  
6 propriations every six months and shall include informa-  
7 tion detailing how the estimates and assumptions con-  
8 tained in previous reports have changed: *Provided further*,  
9 That any new projects and increases in funding of ongoing  
10 projects shall be subject to the prior approval of the Com-  
11 mittees on Appropriations: *Provided further*, That the Sec-  
12 retary of State shall submit to the Committees on Ap-  
13 propriations, not later than 210 days following enactment of  
14 this Act and annually thereafter, a report detailing on a  
15 project-by-project basis the expenditure of funds appro-  
16 priated under this chapter until all funds have been fully  
17 expended.

18 SEC. 2105. The Comptroller General of the United  
19 States shall conduct an audit of the use of all funds for  
20 the bilateral Afghanistan counternarcotics and alternative  
21 livelihood programs in fiscal year 2005 under the heading  
22 “Economic Support Fund” and “International Narcotics  
23 Control and Law Enforcement”: *Provided*, That the audit  
24 shall include an examination of all programs, projects and

1 activities carried out under such programs, including both  
2 obligations and expenditures.

3 SEC. 2106. No later than 60 days after the date of  
4 enactment of this Act, the President shall submit a report  
5 to the Congress detailing—

6 (1) information regarding the Palestinian secu-  
7 rity services, including their numbers, accountability,  
8 and chains of command, and steps taken to purge  
9 from their ranks individuals with ties to terrorist en-  
10 tities;

11 (2) specific steps taken by the Palestinian Au-  
12 thority to dismantle the terrorist infrastructure, con-  
13 fiscate unauthorized weapons, arrest and bring ter-  
14 rrorists to justice, destroy unauthorized arms fac-  
15 tories, thwart and preempt terrorist attacks, and co-  
16 operate with Israel's security services;

17 (3) specific actions taken by the Palestinian Au-  
18 thority to stop incitement in Palestinian Authority-  
19 controlled electronic and print media and in schools,  
20 mosques, and other institutions it controls, and to  
21 promote peace and coexistence with Israel;

22 (4) specific steps the Palestinian Authority has  
23 taken to ensure democracy, the rule of law, and an  
24 independent judiciary, and transparent and account-  
25 able governance;

1                         (5) the Palestinian Authority's cooperation with  
2                         United States officials in their investigations into  
3                         the late Palestinian leader Yasser Arafat's finances;  
4                         and

5                         (6) the amount of assistance pledged and actu-  
6                         ally provided to the Palestinian Authority by other  
7                         donors.

8 *Provided*, That not later than 180 days after enactment  
9 of this Act, the President shall submit to the Congress  
10 an update of this report. *Provided further*, That up to  
11 \$5,000,000 of the funds made available for assistance to  
12 the West Bank and Gaza by this title under "Economic  
13 Support Fund" shall be used for an outside, independent  
14 evaluation by an internationally recognized accounting  
15 firm of the transparency and accountability of Palestinian  
16 Authority accounting procedures and an audit of expendi-  
17 tures by the Palestinian Authority. *Provided further*, That  
18 the waiver authority of section 550(b) of the Foreign Op-  
19 erations, Export Financing, and Related Programs Approp-  
20 priations Act, 2005 (Public Law 108-447) may not be ex-  
21 ercised with respect to funds appropriated for assistance  
22 to the Palestinians under this chapter. *Provided further*,  
23 That the waiver detailed in Presidential Determination  
24 2005-10 issued on December 8, 2004, shall not be ex-  
25 tended to funds appropriated under this chapter.

## 1                   CHAPTER 2

2                   DEPARTMENT OF STATE AND RELATED  
3                   AGENCY

## 4                   DEPARTMENT OF STATE

## 5                   ADMINISTRATION OF FOREIGN AFFAIRS

## 6                   DIPLOMATIC AND CONSULAR PROGRAMS

7                  For an additional amount for "Diplomatic and Con-  
8 sular Programs", \$748,500,000, to remain available until  
9 September 30, 2006: *Provided*, That the amounts provided  
10 under this heading are designated as an emergency re-  
11 quirement pursuant to section 402 of the conference re-  
12 port to accompany S. Con. Res. 95 (108th Congress).

13                   EMBASSY SECURITY, CONSTRUCTION, AND  
14                   MAINTENANCE

15                  For an additional amount for "Embassy Security,  
16 Construction, and Maintenance", \$592,000,000, to re-  
17 main available until expended: *Provided*, That the  
18 amounts provided under this heading are designated as  
19 an emergency requirement pursuant to section 402 of the  
20 conference report to accompany S. Con. Res. 95 (108th  
21 Congress).

1           INTERNATIONAL ORGANIZATIONS  
2    CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING  
3           ACTIVITIES  
4           (INCLUDING TRANSFER OF FUNDS)

5       For an additional amount for "Contributions for  
6 International Peacekeeping Activities", \$580,000,000, to  
7 remain available until September 30, 2006: *Provided*,  
8 That the amounts provided under this heading are des-  
9 ignated as an emergency requirement pursuant to section  
10 402 of the conference report to accompany S. Con. Res.  
11 95 (108th Congress): *Provided further*, That up to  
12 \$55,000,000 provided under this heading may be trans-  
13 ferred to "Peacekeeping Operations", to be available for  
14 costs of establishing and operating a Sudan war crimes  
15 tribunal.

16           RELATED AGENCY

17           BROADCASTING BOARD OF GOVERNORS

18           INTERNATIONAL BROADCASTING OPERATIONS

19       For an additional amount for "International Broad-  
20 casting Operations" for activities related to broadcasting  
21 to the broader Middle East, \$4,800,000, to remain avail-  
22 able until September 30, 2006: *Provided*, That the  
23 amounts provided under this heading are designated as  
24 an emergency requirement pursuant to section 402 of the

1 conference report to accompany S. Con. Res. 95 (108th  
2 Congress).

3                   **CHAPTER 3**

4                   **DEPARTMENT OF AGRICULTURE**

5                   **FOREIGN AGRICULTURAL SERVICE**

6                   **PUBLIC LAW 480 TITLE II GRANTS**

7                 For an additional amount for “Public Law 480 Title  
8                 II Grants”, \$150,000,000, to remain available until ex-  
9                 pended: *Provided*, That the amounts provided under this  
10          heading are designated as an emergency requirement pur-  
11          suant to section 402 of the conference report to accom-  
12          pany S. Con. Res. 95 (108th Congress).

13          **TITLE III—DOMESTIC APPROPRIATIONS FOR**  
14                   **THE WAR ON TERROR**

15                   **CHAPTER 4**

16                   **DEPARTMENT OF ENERGY**

17                   **NATIONAL NUCLEAR SECURITY**

18                   **ADMINISTRATION**

19                   **DEFENSE NUCLEAR NONPROLIFERATION**

20                 For an additional amount for “Defense Nuclear Non-  
21                 proliferation”, \$110,000,000, to remain available until ex-  
22                 pended: *Provided*, That the amounts provided under this  
23          heading are designated as an emergency requirement pur-  
24          suant to section 402 of the conference report to accom-  
25          pany S. Con. Res. 95 (108th Congress).

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         \$111,950,000: *Provided*, That the amounts provided  
7         under this heading are designated as an emergency re-  
8         quirement pursuant to section 402 of the conference re-  
9         port to accompany S. Con. Res. 95 (108th Congress).

10          **ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS**

11          For an additional amount for “Acquisition, Construc-  
12         tion, and Improvements”, \$49,200,000, to remain avail-  
13         able until September 30, 2007: *Provided*, That the  
14         amounts provided under this heading are designated as  
15         an emergency requirement pursuant to section 402 of the  
16         conference report to accompany S. Con. Res. 95 (108th  
17         Congress).

18                   **CHAPTER 3**

19                   **DEPARTMENT OF JUSTICE**

20                   **FEDERAL BUREAU OF INVESTIGATION**

21                   **SALARIES AND EXPENSES**

22          For an additional amount for “Salaries and Ex-  
23         penses”, \$78,970,000: *Provided*, That the amounts pro-  
24         vided under this heading are designated as an emergency

1 requirement pursuant to section 402 of the conference re-  
2 port to accompany S. Con. Res. 95 (108th Congress).

3           **DRUG ENFORCEMENT ADMINISTRATION**

4           **SALARIES AND EXPENSES**

5       For an additional amount for “Salaries and Ex-  
6 penses,” \$7,648,000: *Provided*, That the amounts pro-  
7 vided under this heading are designated as an emergency  
8 requirement pursuant to section 402 of the conference re-  
9 port to accompany S. Con. Res. 95 (108th Congress).

10       **TITLE IV—INDIAN OCEAN TSUNAMI RELIEF**

11           **CHAPTER 4**

12       **FUNDS APPROPRIATED TO THE PRESIDENT**

13           **OTHER BILATERAL ASSISTANCE**

14       **TSUNAMI RECOVERY AND RECONSTRUCTION FUND**

15           **(INCLUDING TRANSFERS OF FUNDS)**

16       For necessary expenses to carry out the Foreign As-  
17 sistance Act of 1961, for emergency relief, rehabilitation,  
18 and reconstruction aid to countries affected by the tsu-  
19 nami and earthquakes of December 2004, and for other  
20 purposes, \$656,000,000 (increased by \$3,000,000), to re-  
21 main available until September 30, 2006: *Provided*, That  
22 these funds may be transferred by the Secretary of State  
23 to any Federal agency or account for any activity author-  
24 ized under part I (including chapter 4 of part II) of the  
25 Foreign Assistance Act, or under the Agricultural Trade

1 Development and Assistance Act of 1954, to accomplish  
2 the purposes provided herein: *Provided further*, That upon  
3 a determination that all or part of the funds so transferred  
4 from this appropriation are not necessary for the purposes  
5 provided herein, such amounts may be transferred back  
6 to this appropriation: *Provided further*, That funds appro-  
7 priated under this heading may be used to reimburse fully  
8 accounts administered by the United States Agency for  
9 International Development for obligations incurred for the  
10 purposes provided under this heading prior to enactment  
11 of this Act, including Public Law 480 Title H grants: *Pro-*  
12 *vided further*, That the amounts provided under this head-  
13 ing are designated as an emergency requirement pursuant  
14 to section 402 of the conference report to accompany S.  
15 Con. Res. 95 (108th Congress): *Provided further*, That of  
16 the amounts provided herein, up to \$10,000,000 may be  
17 transferred to and consolidated with the Development  
18 Credit Authority for the cost of direct loans and loan guar-  
19 antees as authorized by sections 256 and 635 of the For-  
20 eign Assistance Act of 1961 in furtherance of the purposes  
21 of this heading; up to \$15,000,000 may be transferred to  
22 and consolidated with "Operating Expenses of the United  
23 States Agency for International Development", of which  
24 up to \$2,000,000 may be used for administrative expenses  
25 to carry out credit programs administered by the United

1 States Agency for International Development in further-  
2 ance of the purposes of this heading; up to \$500,000 may  
3 be transferred to and consolidated with "Operating Ex-  
4 penses of the United States Agency for International De-  
5 velopment, Office of Inspector General"; and up to  
6 \$5,000,000 may be transferred to and consolidated with  
7 "Administration of Foreign Affairs Emergencies in the  
8 Diplomatic and Consular Service" for the purpose of pro-  
9 viding support services for U.S. citizen victims and related  
10 operations.

#### 11 GENERAL PROVISION

12 SEC. 4101. Amounts made available pursuant to sec-  
13 tion 492(b) of the Foreign Assistance Act of 1961 to ad-  
14 dress relief and rehabilitation needs for countries affected  
15 by the tsunami and earthquake of December 2004, prior  
16 to the enactment of this Act, shall be in addition to the  
17 amount that may be obligated in fiscal year 2005 under  
18 that section.

19 SEC. 4102. The Secretary of State shall submit to  
20 the Committees on Appropriations not later than 30 days  
21 after enactment, and prior to the initial obligation of funds  
22 appropriated under this chapter, a report on the proposed  
23 uses of all funds on a project-by-project basis, for which  
24 the obligation of funds is anticipated: *Provided*, That up  
25 to 10 percent of funds appropriated under this chapter

1 may be obligated before the submission of the report sub-  
2 ject to the normal notification procedures of the Commit-  
3 tees on Appropriations: *Provided further*, That the report  
4 shall be updated and submitted to the Committees on Ap-  
5 propriations every six months and shall include informa-  
6 tion detailing how the estimates and assumptions con-  
7 tained in previous reports have changed: *Provided further*,  
8 That any proposed new projects and increases in funding  
9 of ongoing projects shall be reported to the Committees  
10 on Appropriations in accordance with regular notification  
11 procedures: *Provided further*, That the Secretary of State  
12 shall submit to the Committees on Appropriations, not  
13 later than 210 days following enactment of this Act, and  
14 every six months thereafter, a report detailing on a  
15 project-by project basis, the expenditure of funds appro-  
16 priated under this chapter until all funds have been fully  
17 expended.

18                           **CHAPTER 2**

19                           **DEPARTMENT OF DEFENSE—MILITARY**  
20                           **OPERATION AND MAINTENANCE**  
21                           **OPERATION AND MAINTENANCE, NAVY**

22       For an additional amount for “Operation and Main-  
23 tenance, Navy”, \$124,100,000: *Provided*, That the  
24 amounts provided under this heading are designated as  
25 an emergency requirement pursuant to section 402 of the

1 conference report to accompany S. Con. Res. 95 (108th  
2 Congress).

3           **OPERATION AND MAINTENANCE, MARINE CORPS**  
4           For an additional amount for “Operation and Main-  
5 tenance, Marine Corps”, \$2,800,000: *Provided*, That the  
6 amounts provided under this heading are designated as  
7 an emergency requirement pursuant to section 402 of the  
8 conference report to accompany S. Con. Res. 95 (108th  
9 Congress).

10           **OPERATION AND MAINTENANCE, AIR FORCE**

11           For an additional amount for “Operation and Main-  
12 tenance, Air Force”, \$30,000,000: *Provided*, That the  
13 amounts provided under this heading are designated as  
14 an emergency requirement pursuant to section 402 of the  
15 conference report to accompany S. Con. Res. 95 (108th  
16 Congress).

17           **OPERATION AND MAINTENANCE, DEFENSE-WIDE**

18           For an additional amount for “Operation and Main-  
19 tenance, Defense-Wide”, \$29,150,000: *Provided*, That the  
20 amounts provided under this heading are designated as  
21 an emergency requirement pursuant to section 402 of the  
22 conference report to accompany S. Con. Res. 95 (108th  
23 Congress).

1       OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID  
2       For an additional amount for "Overseas Humanita-  
3       rian, Disaster, and Civic Aid", \$36,000,000, to remain  
4       available until September 30, 2006: *Provided*, That the  
5       amounts provided under this heading are designated as  
6       an emergency requirement pursuant to section 402 of the  
7       conference report to accompany S. Con. Res. 95 (108th  
8       Congress).

CHAPTER 3

~~DEPARTMENT OF DEFENSE~~

## ~~DEFENSE HEALTH PROGRAM~~

12       For an additional amount for "Defense Health Pro-  
13 gram", \$3,600,000 for operation and maintenance: *Pro-*  
14 *vided*, That the amounts provided under this heading are  
15 designated as an emergency requirement pursuant to sec-  
16 tion 402 of the conference report to accompany S. Con.  
17 Res. 95 (108th Congress).

CHAPTER 4

# DEPARTMENT OF HOMELAND SECURITY

**UNITED STATES COAST GUARD**

## ~~OPERATING EXPENSES~~

22 For an additional amount for "Operating Expenses",  
23 \$350,000: *Provided*, That the amounts provided under  
24 this heading are designated as an emergency requirement

1 pursuant to section 402 of the conference report to accom-  
2 pany S. Con. Res. 95 (108th Congress).

3                   **CHAPTER 5**

4                   **DEPARTMENT OF THE INTERIOR**  
5                   **UNITED STATES GEOLOGICAL SURVEY**  
6                   **SURVEYS, INVESTIGATIONS, AND RESEARCH**

7                  For an additional amount for “Surveys, Investiga-  
8 tions, and Research”, \$8,100,000, to remain available  
9 until September 30, 2006: *Provided*, That the amounts  
10 provided under this heading are designated as an emer-  
11 gency requirement pursuant to section 402 of the con-  
12 ference report to accompany S. Con. Res. 95 (108th Con-  
13 gress).

14                   **CHAPTER 6**

15                   **DEPARTMENT OF COMMERCE**  
16                   **NATIONAL OCEANIC AND ATMOSPHERIC**  
17                   **ADMINISTRATION**

18                  Operations, Research, and Facilities  
19                  For an additional amount for “Operations, Research,  
20 and Facilities”, \$4,830,000, to remain available until Sep-  
21 tember 30, 2006, for United States tsunami warning ca-  
22 pabilities and operations: *Provided*, That the amounts pro-  
23 vided under this heading are designated as an emergency  
24 requirement pursuant to section 402 of the conference re-  
25 port to accompany S. Con. Res. 95 (108th Congress).

1       **PROCUREMENT, ACQUISITION AND CONSTRUCTION**

2       For an additional amount for "Procurement, Acquisi-  
3   tion and Construction", \$9,670,000, to remain available  
4   until September 30, 2007, for United States tsunami  
5   warning capabilities: *Provided*, That the amounts provided  
6   under this heading are designated as an emergency re-  
7   quirement pursuant to section 402 of the conference re-  
8   port to accompany S. Con. Res. 95 (108th Congress).

9           **TITLE V—GENERAL PROVISIONS AND**10           **TECHNICAL CORRECTIONS**

11       SEC. 5001. 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           **(INCLUDING TRANSFERS OF FUNDS)**

15       SEC. 5002. Notwithstanding any other provision of  
16   law, upon enactment of this Act, the Secretary of Defense  
17   shall make the following transfers of funds previously  
18   made available in the Department of Defense Appropriations  
19   Act, 2005 (Public Law 108-287): *Provided*, That the  
20   amounts transferred shall be made available for the same  
21   purpose and the same time period as the appropriation  
22   to which transferred: *Provided further*, That the authority  
23   provided in this section is in addition to any other transfer  
24   authority available to the Department of Defense: *Pro-*  
25   *vided further*, That the amounts shall be transferred be-

1   tween the following appropriations, in the amounts speci-  
2   fied:

3                  To:

4                  Under the heading, "Research, Develop-  
5                  ment, Test and Evaluation, Air Force,  
6                  2005/2006", \$500,000;

7                  From:

8                  Under the heading, "Other Procurement,  
9                  Air Force", \$500,000.

10                 To:

11                 Under the heading, "Other Procurement,  
12                 Air Force, 2005/2007", \$8,200,000;

13                 From:

14                 Under the heading, "Other Procurement,  
15                 Navy, 2005/2007", \$8,200,000.

16        SEC. 5003. Funds appropriated by this Act may be  
17        obligated and expended notwithstanding section 15 of the  
18        State Department Basic Authorities Act of 1956, section  
19        313 of the Foreign Relations Authorization Act, Fiscal  
20        Years 1994 and 1995 (Public Law 103-236) and section  
21        10 of Public Law 91-672 (22 U.S.C. 2412), and section  
22        504(a)(1) of the National Security Act of 1947 (50 U.S.C.  
23        414(a)(1)).

24        SEC. 5004. The last proviso under the heading "Op-  
25       eration and Maintenance" in title I of division C of Public

1 Law 108-447 is amended by striking “Public Law 108-  
 2 357” and inserting “Public Law 108-137”.

3 SEC. 5005. Section 101 of title I of division C of Pub-  
 4 lic Law 108-447 is amended by striking “per project” and  
 5 all that follows through the period at the end and inserting  
 6 “for all applicable programs and projects not to exceed  
 7 \$80,000,000 in each fiscal year.”.

8 SEC. 5006. The matter under the heading “Water  
 9 and Related Resources” in title II of division C of Public  
 10 Law 108-447 is amended by inserting before the period  
 11 at the end the following: “. *Provided further*, That  
 12 \$4,023,000 of the funds appropriated under this heading  
 13 shall be deposited in the San Gabriel Basin Restoration  
 14 Fund established by section 110 of title I of division B  
 15 of the Miscellaneous Appropriations Act, 2001 (as enacted  
 16 into law by Public Law 106-554)”.

17 SEC. 5007. In division C, title III of the Consolidated  
 18 Appropriations Act, 2005 (Public Law 108-447), the item  
 19 relating to “Department of Energy—Energy Programs—  
 20 Nuclear Waste Disposal” is amended by—

21 (1) inserting “to be derived from the Nuclear  
 22 Waste Fund and” after “\$346,000,000,”; and

23 (2) striking “to conduct scientific oversight re-  
 24 sponsibilities and participate in licensing activities  
 25 pursuant to the Act” and inserting “to participate

1       in licensing activities and other appropriate activities  
2       pursuant to the Act".

3       ~~SEC. 5008. Section 144(b)(2) of title I of division E~~  
4       of Public Law 108-447 is amended by striking "Sep-  
5       tember 24, 2004" and inserting "November 12, 2004".

6       ~~SEC. 5009. In the statement of the managers of the~~  
7       committee of conference accompanying H.R. 4818 (Public  
8       Law 108-447; House Report 108-792), in the matter in  
9       title III of division F, relating to the Fund for the Im-  
10      provement of Education under the heading "Innovation  
11      and Improvement"—

12           (1) the provision specifying \$500,000 for the  
13       Mississippi Museum of Art, Jackson, MS for Hardy  
14       Middle School After School Program shall be  
15       deemed to read "Mississippi Museum of Art, Jack-  
16       son, MS for a Mississippi Museum of Art After-  
17       School Collaborative";

18           (2) the provision specifying \$2,000,000 for the  
19       Milken Family Foundation, Santa Monica, CA, for  
20       the Teacher Advancement Program shall be deemed  
21       to read "Teacher Advancement Program Founda-  
22       tion, Santa Monica, CA for the Teacher Advance-  
23       ment Program";

24           (3) the provision specifying \$1,000,000 for  
25       Batelle for Kids, Columbus, OH for a multi-state ef-

1       fort to evaluate and learn the most effective ways for  
2       accelerating student academic growth shall be  
3       deemed to read “Battelle for Kids, Columbus, OH  
4       for a multi-state effort to implement, evaluate and  
5       learn the most effective ways for accelerating stu-  
6       dent academic growth”;

7              (4) the provision specifying \$750,000 for the  
8       Institute of Heart Math, Boulder Creek, CO for a  
9       teacher retention and student dropout prevention  
10      program shall be deemed to read “Institute of Heart  
11      Math, Boulder Creek, CA for a teacher retention  
12      and student dropout prevention program”;

13              (5) the provision specifying \$200,000 for Fair-  
14      fax County Public Schools, Fairfax, VA for Chinese  
15      language programs in Franklin Sherman Ele-  
16      mentary School and Chesterbrook Elementary School in  
17      McLean, Virginia shall be deemed to read “Fairfax  
18      County Public Schools, Fairfax, VA for Chinese lan-  
19      guage programs in Shrevewood Elementary School  
20      and Wolftrap Elementary School”;

21              (6) the provision specifying \$1,250,000 for the  
22      University of Alaska/Fairbanks in Fairbanks, AK,  
23      working with the State of Alaska and Catholic Com-  
24      munity Services, for the Alaska System for Early  
25      Education Development (SEED) shall be deemed to

1       read “University of Alaska/Southeast in Juneau,  
2       AK, working with the State of Alaska and Catholic  
3       Community Services, for the Alaska System for  
4       Early Education Development (SEED)”;

5              (7) the provision specifying \$25,000 for QUIL~~L~~  
6       Productions, Inc., Aston, PA, to develop and dis-  
7       seminate programs to enhance the teaching of Amer-  
8       ican history shall be deemed to read “QUILL Enter-  
9       tainment Company, Aston, PA, to develop and dis-  
10       seminate programs to enhance the teaching of Amer-  
11       ican history”;

12              (8) the provision specifying \$780,000 for City  
13       of St. Charles, MO for the St. Charles Foundry Arts  
14       Center in support of arts education shall be deemed  
15       to read “The Foundry Art Centre, St. Charles, Mis-  
16       souri for support of arts education in conjunction  
17       with the City of St. Charles, MO”;

18              (9) the provision specifying \$100,000 for Com-  
19       munity Arts Program, Chester, PA, for arts edu-  
20       cation shall be deemed to read “Chester Economic  
21       Development Authority, Chester, PA for a commu-  
22       nity arts program”;

23              (10) the provision specifying \$100,000 for Kids  
24       with A Promise—The Bowery Mission, Bushkill, PA

1 shall be deemed to read "Kids with A Promise—The  
2 Bowery Mission, New York, NY";

3 (11) the provision specifying \$50,000 for Great  
4 Projects Film Company, Inc., Washington, DC, to  
5 produce "Educating America", a documentary about  
6 the challenges facing our public schools shall be  
7 deemed to read "Great Projects Film Company,  
8 Inc., New York, NY, to produce 'Educating Amer-  
9 ica', a documentary about the challenges facing our  
10 public schools";

11 (12) the provision specifying \$30,000 for Sum-  
12 mer Camp Opportunities Provide an Edge  
13 (SCOPE), New York, NY for YMCA Camps  
14 Skyerest, Speers and Elijahbar shall be deemed to  
15 read "American Camping Association for Summer  
16 Camp Opportunities Provide an Edge (SCOPE),  
17 New York, NY for YMCA Camps Skyerest and  
18 Speers-Elijahbar"; and

19 (13) the provision specifying \$163,000 for  
20 Space Education Initiatives, Green Bay, WI for the  
21 Wisconsin Space Science Initiative shall be deemed  
22 to read "Space Education Initiatives, De Pere, WI  
23 for the Wisconsin Space Science Initiative".

24 SEC. 5010. In the statement of the managers of the  
25 committee of conference accompanying H.R. 4818 (Public

1 Law 108-447; House Report 108-792), in the matter in  
2 title III of division F, relating to the Fund for the Im-  
3 provement of Postsecondary Education under the heading  
4 “Higher Education”—

5           (1) the provision specifying \$145,000 for the  
6 Belin-Blank Center at the University of Iowa, Iowa  
7 City, IA for the Big 10 school initiative to improve  
8 minority student access to Advanced Placement  
9 courses shall be deemed to read “University of Iowa,  
10 Iowa City, IA for the Iowa and Israel: Partners in  
11 Excellence program to enhance math and science op-  
12 portunities to rural Iowa students”;

13           (2) the provision specifying \$150,000 for Mercy  
14 College, Dobbs Ferry, NY for the development of a  
15 registered nursing program shall be deemed to read  
16 “Mercy College, Dobbs Ferry, NY, for the develop-  
17 ment of a master’s degree program in nursing edu-  
18 cation, including marketing and recruitment activi-  
19 ties”;

20           (3) the provision specifying \$100,000 for Uni-  
21 versity of Alaska/Southeast to develop distance edu-  
22 cation coursework for arctic engineering courses and  
23 programs shall be deemed to read “University of  
24 Alaska System Office to develop distance education

1 coursework for arctic engineering courses and pro-  
2 grams"; and

3 (4) the provision specifying \$100,000 for Cul-  
4 ver-Stockton College, Canton, MO for equipment  
5 and technology shall be deemed to read "Moberly  
6 Area Community College, Moberly, MO for equip-  
7 ment and technology".

8 SEC. 5011. The matter under the heading "Corpora-  
9 tion for National and Community Service—National and  
10 Community Service Programs Operating Expenses" in  
11 title III of division I of Public Law 108-447 is amended  
12 by inserting before the period at the end the following:  
13 "*Provided further*, That the Corporation may use up to  
14 1 percent of program grant funds made available under  
15 this heading to defray its costs of conducting grant appli-  
16 cation reviews, including the use of outside peer review-  
17 ers".

18 SEC. 5012. Section 114 of title I of division I of the  
19 Consolidated Appropriations Act, 2005 (Public Law 108-  
20 447) is amended by inserting before the period "and see-  
21 tion 303 of Public Law 108-422".

22 SEC. 5013. Section 117 of title I of division I of the  
23 Consolidated Appropriations Act, 2005 (Public Law 108-  
24 447) is amended by striking "that are deposited into the

1 Medical Care Collections Fund may be transferred and  
2 merged with” and inserting “may be deposited into the”.

3 SEC. 5014. Section 1703(d)(2) of title 38, United  
4 States Code, is amended by striking “shall be available  
5 for the purposes” and inserting “shall be available, with-  
6 out fiscal limitation, for the purposes”.

7 SEC. 5015. Section 621 of title VI of division B of  
8 Public Law 108-199 is amended by striking “of pas-  
9 senger, cargo and other aviation services”.

10 SEC. 5016. Section 619(a) of title VI of division B  
11 of Public Law 108-447 is amended by striking “Asheville-  
12 Buncombe Technical Community College” and inserting  
13 “the International Small Business Institute”.

14 SEC. 5017. (a) Section 619(a) of title VI of division  
15 B of Public Law 108-447 is amended by striking “for  
16 the continued modernization of the Mason Building”.

17 (b) Section 621 of title VI of division B of Public  
18 Law 108-199, as amended by Public Law 108-447, is  
19 amended by striking “, for the continued modernization  
20 of the Mason Building”.

21 SEC. 5018. The Department of Justice may transfer  
22 funds from any Department of Justice account to “Deten-  
23 tion Trustee”. *Provided*, That the notification requirement  
24 in section 605(b) of title VI of division B of Public Law  
25 108-447 shall remain in effect for any such transfers.

1       SEC. 5019. The referenced statement of managers  
2 under the heading “Community Development Fund” in  
3 title H of division K of Public Law 108-7 is deemed to  
4 be amended—

5              (1) with respect to item number 39 by striking  
6       “Conference and Workforce Center in Harrison, Ar-  
7       kansas” and inserting “in Harrison, Arkansas for  
8       facilities construction of the North Arkansas College  
9       Health Sciences Education Center”; and

10             (2) with respect to item number 316 by striking  
11       “for renovation of a visitor center to accommodate  
12       a Space and Flight Center” and inserting “to build-  
13       out the Prince George’s County Economic Develop-  
14       ment and Business Assistance Center”.

15       SEC. 5020. The referenced statement of the man-  
16       agers under the heading “Community Development Fund”  
17       in title H of division G of Public Law 108-199 is deemed  
18       to be amended—

19             (1) with respect to item number 56 by striking  
20       “Conference and Training Center” and inserting  
21       “North Arkansas College Health Sciences Education  
22       Center”;

23             (2) with respect to item number 102 by striking  
24       “to the Town of Groveland, California for purchase  
25       of a youth center” and inserting “to the County of

1 Tuolumne for the purchase of a new youth center in  
2 the mountain community of Groveland";

3 (3) with respect to item number 218 by striking  
4 "for construction" and inserting "for design and en-  
5 gineering";

6 (4) with respect to item number 472 by striking  
7 "for sidewalk, curbs and facade improvements in the  
8 Morton Avenue neighborhood" and inserting "for  
9 streetscape renovation"; and

10 (5) with respect to item number 493 by striking  
11 "for land acquisition" and inserting "for planning  
12 and design of its Sports and Recreation Center and  
13 Education Complex".

14 SEC. 5021. The referenced statement of the man-  
15 agers under the heading "Community Development Fund"  
16 in title II of division I of Public Law 108-447 is deemed  
17 to be amended as follows—

18 (1) with respect to item number 706 by striking  
19 "a public swimming pool" and inserting "recreation  
20 fields";

21 (2) with respect to item number 667 by striking  
22 "to the Town of Appomattox, Virginia for facilities  
23 construction of an African-American cultural and  
24 heritage museum at the Carver-Price building" and

1 inserting “to the County of Appomattox, Virginia for  
2 renovation of the Carver Price building”;

3 (3) with respect to item number 668 by striking  
4 “for the Town of South Boston, Virginia for renova-  
5 tions and creation of a community arts center at the  
6 Prizery” and inserting “for The Prizery in South  
7 Boston, Virginia for renovations and creation of a  
8 community arts center”;

9 (4) with respect to item number 669 by striking  
10 “for the City of Moneta, Virginia for facilities econ-  
11 struction and renovations of an art, education, and  
12 community outreach center” and inserting “for the  
13 Moneta Arts, Education, and Community Outreach  
14 Center in Moneta, Virginia for facilities construction  
15 and renovations”;

16 (5) with respect to item number 910 by striking  
17 “repairs to” and inserting “renovation and construc-  
18 tion of”; and

19 (6) with respect to item number 902 by striking  
20 “City of Brooklyn” and inserting “Fifth Ave Com-  
21 mittee in Brooklyn”.

22 SEC. 5022. Section 308 of division B of Public Law  
23 108-447 is amended by striking all after the words “shall  
24 be deposited”, and inserting “as offsetting receipts to the  
25 fund established under 28 U.S.C. 1931 and shall remain

1 available to the Judiciary until expended to reimburse any  
2 appropriation for the amount paid out of such appropria-  
3 tion for expenses of the Courts of Appeals, District  
4 Courts, and Other Judicial Services and the Administra-  
5 tive Offices of the United States Courts.”.

6 SEC. 5023. Section 198 of division H of Public Law  
7 108-447 is amended by inserting “under title 23 of the  
8 United States Code” after “law”.

9 SEC. 5024. The District of Columbia Appropriations  
10 Act, 2005 (Public Law 108-335) approved October 18,  
11 2004, is amended as follows:

12 (1) Section 331 is amended as follows:

13 (A) in the first sentence by striking the  
14 word “\$15,000,000” and inserting  
15 “\$42,000,000, to remain available until ex-  
16 pended,” in its place; and

17 (B) by amending paragraph (5) to read as  
18 follows:

19 “(5) The amounts may be obligated or ex-  
20 pended only if the Mayor notifies the Committees on  
21 Appropriations of the House of Representatives and  
22 Senate in writing 30 days in advance of any obliga-  
23 tion or expenditure.”.

24 (2) By inserting a new section before the short  
25 title at the end to read as follows:

1        "SEC. 348. The amount appropriated by this Act may  
2 be increased by an additional amount of \$206,736,000 (in-  
3 cluding \$49,927,000 from local funds and \$156,809,000  
4 from other funds) to be transferred by the Mayor of the  
5 District of Columbia to the various headings under this  
6 Act as follows:

7            "(1) \$174,927,000 (including \$34,927,000  
8 from local funds, and \$140,000,000 from other  
9 funds) shall be transferred under the heading 'Gov-  
10 ernment Direction and Support'. *Provided*, That of  
11 the funds, \$33,000,000 from local funds shall re-  
12 main available until expended. *Provided further*,  
13 That of the funds, \$140,000,000 from other funds  
14 shall remain available until expended and shall only  
15 be available in conjunction with revenue from a pri-  
16 vate or alternative financing proposal approved pur-  
17 suant to section 106 of DC Act 15-717, the 'Ball-  
18 park Omnibus Financing and Revenue Act of 2004'  
19 approved by the District of Columbia, December 29,  
20 2004, and

21            "(2) \$15,000,000 from local funds shall be  
22 transferred under the heading 'Repayment of Loans  
23 and Interest', and

1           “(3) \$14,000,000 from other funds shall be  
2 transferred under the heading ‘Sports and Enter-  
3 tainment Commission’, and

4           “(4) \$2,809,000 from other funds shall be  
5 transferred under the heading ‘Water and Sewer Au-  
6 thority’.”.

7                           **TITLE VI—**  
8                           **HUMANITARIAN ASSISTANCE CODE OF**  
9                           **CONDUCT**

**10 SEC. 6001. SHORT TITLE.**

This title may be cited as the "Humanitarian Assistance Code of Conduct Act of 2005".

13 SEC. 6002. CODE OF CONDUCT FOR THE PROTECTION OF  
14 BENEFICIARIES OF HUMANITARIAN ASSIST-  
15 ANCE.

16       (a) PROHIBITION.—None of the funds made available  
17 for foreign operations, export financing, and related pro-  
18 grams under the headings “Migration and Refugee Assist-  
19 ance”, “United States Emergency Refugee and Migration  
20 Assistance Fund”, “International Disaster and Famine  
21 Assistance”, or “Transition Initiatives” may be obligated  
22 to an organization that fails to adopt a code of conduct  
23 that provides for the protection of beneficiaries of assist-  
24 ance under any such heading from sexual exploitation and  
25 abuse in humanitarian relief operations.

1       (b) SIX CORE PRINCIPLES.—The code of conduct re-  
2 ferred to in subsection (a) shall, to the maximum extent  
3 practicable, be consistent with the following six core prin-  
4 ciples of the United Nations Inter-Agency Standing Com-  
5 mittee Task Force on Protection From Sexual Exploi-  
6 tation and Abuse in Humanitarian Crises:

7           (1) “Sexual exploitation and abuse by humani-  
8 tarian workers constitute acts of gross misconduct  
9 and are therefore grounds for termination of employ-  
10 ment.”.

11          (2) “Sexual activity with children (persons  
12 under the age of 18) is prohibited regardless of the  
13 age of majority or age of consent locally. Mistaken  
14 belief regarding the age of a child is not a defense.”.

15          (3) “Exchange of money, employment, goods, or  
16 services for sex, including sexual favors or other  
17 forms of humiliating, degrading or exploitative be-  
18 havior, is prohibited. This includes exchange of as-  
19 sistance that is due to beneficiaries.”.

20          (4) “Sexual relationships between humanitarian  
21 workers and beneficiaries are strongly discouraged  
22 since they are based on inherently unequal power dy-  
23 namics. Such relationships undermine the credibility  
24 and integrity of humanitarian aid work.”.

1                   (5) “Where a humanitarian worker develops  
2 concerns or suspicions regarding sexual abuse or ex-  
3 ploitation by a fellow worker, whether in the same  
4 agency or not, he or she must report such concerns  
5 via established agency reporting mechanisms.”.

6                   (6) “Humanitarian agencies are obliged to cre-  
7 ate and maintain an environment which prevents  
8 sexual exploitation and abuse and promotes the im-  
9 plementation of their code of conduct. Managers at  
10 all levels have particular responsibilities to support  
11 and develop systems which maintain this environ-  
12 ment.”.

13 **SEC. 6003. REPORT.**

14                  Not later than 180 days after the date of the enact-  
15 ment of this Act, and not later than one year after the  
16 date of the enactment of this Act, the President shall  
17 transmit to the Committee on Appropriations and the  
18 Committee on International Relations of the House of  
19 Representatives and the Committee on Appropriations and  
20 the Committee on Foreign Relations of the Senate a de-  
21 tailed report on the implementation of this title.

22 **SEC. 6004. EFFECTIVE DATE; APPLICABILITY.**

23                  This title—

24                   (1) takes effect 60 days after the date of the  
25 enactment of this Act; and

1                         (2) applies to funds obligated after the effective  
2                         date referred to in paragraph (1)—  
3                             (A) for fiscal year 2005; and  
4                             (B) any subsequent fiscal year.

5                     **TITLE VII—ADDITIONAL GENERAL PROVISIONS**

6                     SEC. 7001. None of the funds made available in this  
7                     Act may be used for embassy security, construction, and  
8                     maintenance.

9                     SEC. 7002. None of the funds made available in this  
10                    Act may be used to fund any contract in contravention  
11                    of section 15(g)(2) of the Small Business Act (15 U.S.C.  
12                    644(g)(2)).

13                     SEC. 7003. None of the funds made available in this  
14                    Act may be used in contravention of the following laws  
15                    enacted or regulations promulgated to implement the  
16                    United Nations Convention Against Torture and Other  
17                    Cruel, Inhuman or Degrading Treatment or Punishment  
18                    (done at New York on December 10, 1984):

19                         (1) Section 2340A of title 18, United States  
20                         Code;

21                         (2) Section 2242 of the Foreign Affairs Reform  
22                         and Restructuring Act of 1998 (division G of Public  
23                         Law 105-277, 112 Stat. 2681-822, 8 U.S.C. 1231  
24                         note) and any regulations prescribed thereto, includ-  
25                         ing regulations under part 208 of title 8, Code of

1       Federal Regulations, and part 95 of title 22, Code  
2       of Federal Regulations.

3 This division may be cited as the "Emergency Sup-  
4 plemental Appropriations Act for Defense, the Global War  
5 on Terror, and Tsunami Relief, 2005".

**6 DIVISION B—REAL ID ACT OF**  
**7 2005**

## **8 SECTION 1. SHORT TITLE.**

9        This division may be cited as the "REAL ID Act of  
10    2005".

**TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY**

#### 14 SEC. 101. PREVENTING TERRORISTS FROM OBTAINING RE-

**15 LIEF FROM REMOVAL.**

16 (a) CONDITIONS FOR GRANTING ASYLUM.—Section  
17 208(b)(1) of the Immigration and Nationality Act (8  
18 U.S.C. 1158(b)(1)) is amended—

19                   (1) by striking "The Attorney General" the  
20 first place such term appears and inserting the fol-  
21 lowing:

“(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General”,

24                   (2) by striking "the Attorney General" the see-  
25                   ond and third places such term appears and insert-

1       ing “the Secretary of Homeland Security or the At-  
2       torney General”, and

3       (3) by adding at the end the following:

4                     **“(B) BURDEN OF PROOF.”**

5                     “(i) IN GENERAL.—The burden of  
6       proof is on the applicant to establish that  
7       the applicant is a refugee, within the  
8       meaning of section 101(a)(42)(A). To es-  
9       tablish that the applicant is a refugee with-  
10      in the meaning of such section, the appli-  
11      cant must establish that race, religion, na-  
12      tionality, membership in a particular social  
13      group, or political opinion was or will be a  
14      central reason for persecuting the appli-  
15      cant.

16                     “(ii) SUSTAINING BURDEN.—The tes-  
17      timony of the applicant may be sufficient  
18      to sustain the applicant’s burden without  
19      corroboration, but only if the applicant sat-  
20      isfies the trier of fact that the applicant’s  
21      testimony is credible, is persuasive, and re-  
22      fers to specific facts sufficient to dem-  
23      onstrate that the applicant is a refugee. In  
24      determining whether the applicant has met  
25      the applicant’s burden, the trier of fact

1 may weigh the credible testimony along  
2 with other evidence of record. Where the  
3 trier of fact determines, in the trier of  
4 fact's discretion, that the applicant should  
5 provide evidence which corroborates other-  
6 wise credible testimony, such evidence  
7 must be provided unless the applicant does  
8 not have the evidence and cannot reason-  
9 ably obtain the evidence without departing  
10 the United States. The inability to obtain  
11 corroborating evidence does not excuse the  
12 applicant from meeting the applicant's  
13 burden of proof.

14           “(iii) CREDIBILITY DETERMINA-  
15 TION.—The trier of fact should consider all  
16 relevant factors and may, in the trier of  
17 fact's discretion, base the trier of fact's  
18 credibility determination on any such fac-  
19 tor, including the demeanor, candor, or re-  
20 sponsiveness of the applicant or witness,  
21 the inherent plausibility of the applicant's  
22 or witness's account, the consistency be-  
23 tween the applicant's or witness's written  
24 and oral statements (whenever made and  
25 whether or not made under oath), the in-

1                 ternal consistency of each such statement,  
2                 the consistency of such statements with  
3                 other evidence of record (including the re-  
4                 ports of the Department of State on coun-  
5                 try conditions), and any inaccuracies or  
6                 falsehoods in such statements, without re-  
7                 gard to whether an inconsistency, inaccur-  
8                 acy, or falsehood goes to the heart of the  
9                 applicant's claim. There is no presumption  
10                 of credibility.”.

11                 (b) WITHHOLDING OF REMOVAL.—Section 241(b)(3)  
12                 of the Immigration and Nationality Act (8 U.S.C.  
13                 1231(b)(3)) is amended by adding at the end the fol-  
14                 lowing:

15                 “(C) SUSTAINING BURDEN OF PROOF;  
16                 CREDIBILITY DETERMINATIONS.—In deter-  
17                 mining whether an alien has demonstrated that  
18                 the alien's life or freedom would be threatened  
19                 for a reason described in subparagraph (A), the  
20                 trier of fact shall determine whether the alien  
21                 has sustained the alien's burden of proof, and  
22                 shall make credibility determinations, in the  
23                 manner described in clauses (ii) and (iii) of sec-  
24                 tion 208(b)(1)(B).”.

1       (e) OTHER REQUESTS FOR RELIEF FROM RE-  
2 MOVAL.—Section 240(e) of the Immigration and Nation-  
3 ality Act (8 U.S.C. 1230(e)) is amended—

4           (1) by redesignating paragraphs (4), (5), and  
5           (6) as paragraphs (5), (6), and (7), respectively; and  
6           (2) by inserting after paragraph (3) the fol-  
7           lowing:

8           “(4) APPLICATIONS FOR RELIEF FROM RE-  
9 MOVAL.—

10           “(A) IN GENERAL.—An alien applying for  
11           relief or protection from removal has the bur-  
12           den of proof to establish that the alien—

13                  “(i) satisfies the applicable eligibility  
14           requirements; and

15                  “(ii) with respect to any form of relief  
16           that is granted in the exercise of discre-  
17           tion, that the alien merits a favorable exer-  
18           cise of discretion.

19           “(B) SUSTAINING BURDEN.—The appli-  
20           cant must comply with the applicable require-  
21           ments to submit information or documentation  
22           in support of the applicant’s application for re-  
23           lief or protection as provided by law or by regu-  
24           lation or in the instructions for the application  
25           form. In evaluating the testimony of the appli-

1           eant or other witness in support of the applica-  
2           tion, the immigration judge will determine  
3           whether or not the testimony is credible, is per-  
4           suasive, and refers to specific facts sufficient to  
5           demonstrate that the applicant has satisfied the  
6           applicant's burden of proof. In determining  
7           whether the applicant has met such burden, the  
8           immigration judge shall weigh the credible testi-  
9           mony along with other evidence of record.  
10           Where the immigration judge determines in the  
11           judge's discretion that the applicant should pro-  
12           vide evidence which corroborates otherwise cred-  
13           ible testimony, such evidence must be provided  
14           unless the applicant demonstrates that the ap-  
15           plicant does not have the evidence and cannot  
16           reasonably obtain the evidence without depart-  
17           ing from the United States. The inability to ob-  
18           tain corroborating evidence does not excuse the  
19           applicant from meeting the burden of proof.

20           “(C) CREDIBILITY DETERMINATION.—The  
21           immigration judge should consider all relevant  
22           factors and may, in the judge's discretion, base  
23           the judge's credibility determination on any  
24           such factor, including the demeanor, candor, or  
25           responsiveness of the applicant or witness, the

1 inherent plausibility of the applicant's or  
2 witness's account, the consistency between the  
3 applicant's or witness's written and oral state-  
4 ments (whenever made and whether or not  
5 made under oath), the internal consistency of  
6 each such statement, the consistency of such  
7 statements with other evidence of record (in-  
8 cluding the reports of the Department of State  
9 on country conditions), and any inaccuracies or  
10 falsehoods in such statements, without regard  
11 to whether an inconsistency, inaccuracy, or  
12 falsehood goes to the heart of the applicant's  
13 claim. There is no presumption of credibility.”.

14 (d) STANDARD OF REVIEW FOR ORDERS OF RE-  
15 MOVAL.—Section 242(b)(4) of the Immigration and Na-  
16 tionality Act (8 U.S.C. 1252(b)(4)) is amended by adding  
17 at the end, after subparagraph (D), the following: “No  
18 court shall reverse a determination made by a trier of fact  
19 with respect to the availability of corroborating evidence,  
20 as described in section 208(b)(1)(B), 240(e)(4)(B), or  
21 241(b)(3)(C), unless the court finds that a reasonable  
22 trier of fact is compelled to conclude that such corrobo-  
23 rating evidence is unavailable.”.

1       (e) CLARIFICATION OF DISCRETION.—Section  
2 242(a)(2)(B) of the Immigration and Nationality Act (8  
3 U.S.C. 1252(a)(2)(B)) is amended—

4              (1) by inserting “or the Secretary of Homeland  
5 Security” after “Attorney General” each place such  
6 term appears; and

7              (2) in the matter preceding clause (i), by insert-  
8 ing “and regardless of whether the judgment, deci-  
9 sion, or action is made in removal proceedings,”  
10 after “other provision of law.”

11       (f) REMOVAL OF CAPS.—Section 209 of the Immigra-  
12 tion and Nationality Act (8 U.S.C. 1159) is amended—

13              (1) in subsection (a)(1)—

14                  (A) by striking “Service” and inserting  
15 “Department of Homeland Security”; and

16                  (B) by striking “Attorney General” each  
17 place such term appears and inserting “Sec-  
18 retary of Homeland Security or the Attorney  
19 General”;

20              (2) in subsection (b)—

21                  (A) by striking “Not more” and all that  
22 follows through “asylum who—” and inserting  
23 “The Secretary of Homeland Security or the  
24 Attorney General, in the Secretary’s or the At-  
25 torney General’s discretion and under such reg-

1           ulations as the Secretary or the Attorney General  
2           may prescribe, may adjust to the status of  
3           an alien lawfully admitted for permanent resi-  
4           dence the status of any alien granted asylum  
5           who—”; and

6                         (B) in the matter following paragraph (5),  
7           by striking “Attorney General” and inserting  
8           “Secretary of Homeland Security or the Attor-  
9           ney General”; and

10                         (3) in subsection (e), by striking “Attorney  
11           General” and inserting “Secretary of Homeland Se-  
12           curity or the Attorney General”.

13                         (g) EFFECTIVE DATES.—

14                         (1) The amendments made by paragraphs (1)  
15           and (2) of subsection (a) shall take effect as if en-  
16           acted on March 1, 2003.

17                         (2) The amendments made by subsections  
18           (a)(3), (b), and (e) shall take effect on the date of  
19           the enactment of this division and shall apply to ap-  
20           plications for asylum, withholding, or other removal  
21           made on or after such date.

22                         (3) The amendment made by subsection (d)  
23           shall take effect on the date of the enactment of this  
24           division and shall apply to all cases in which the

1 final administrative removal order is or was issued  
 2 before, on, or after such date.

3           (4) The amendments made by subsection (e)  
 4 shall take effect on the date of the enactment of this  
 5 division and shall apply to all cases pending before  
 6 any court on or after such date.

7           (5) The amendments made by subsection (f)  
 8 shall take effect on the date of the enactment of this  
 9 division.

10         (h) REPEAL.—Section 5403 of the Intelligence Re-  
 11 form and Terrorism Prevention Act of 2004 (Public Law  
 12 108-458) is repealed.

13 **SEC. 102. WAIVER OF LAWS NECESSARY FOR IMPROVE-  
 14 MENT OF BARRIERS AT BORDERS.**

15         Section 102(e) of the Illegal Immigration Reform and  
 16 Immigrant Responsibility Act of 1996 (8 U.S.C. 1103  
 17 note) is amended to read as follows:

18         “(e) WAIVER.—

19           “(1) IN GENERAL.—Notwithstanding any other  
 20 provision of law, the Secretary of Homeland Security  
 21 shall have the authority to waive, and shall waive, all  
 22 laws such Secretary, in such Secretary’s sole discre-  
 23 tion, determines necessary to ensure expeditious con-  
 24 struction of the barriers and roads under this sec-  
 25 tion.

1               “(2) NO JUDICIAL REVIEW.—Notwithstanding  
2               any other provision of law (statutory or nonstatu-  
3               tory), no court, administrative agency, or other enti-  
4               ty shall have jurisdiction—

5               “(A) to hear any cause or claim arising  
6               from any action undertaken, or any decision  
7               made, by the Secretary of Homeland Security  
8               pursuant to paragraph (1); or

9               “(B) to order compensatory, declaratory,  
10               injunctive, equitable, or any other relief for  
11               damage alleged to arise from any such action or  
12               decision.”.

13 **SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TER-  
14 RORIST-RELATED ACTIVITIES.**

15               (a) IN GENERAL.—So much of section  
16 212(a)(3)(B)(i) of the Immigration and Nationality Act  
17 (8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence  
18 is amended to read as follows:

19               “(i) IN GENERAL.—Any alien who—

20               “(I) has engaged in a terrorist  
21 activity;

22               “(II) a consular officer, the At-  
23 torney General, or the Secretary of  
24 Homeland Security knows, or has rea-  
25 sonable ground to believe, is engaged

1           in or is likely to engage after entry in  
2           any terrorist activity (as defined in  
3           clause (iv));

4           “(III) has, under circumstances  
5           indicating an intention to cause death  
6           or serious bodily harm, incited ter-  
7           rorist activity;

8           “(IV) is a representative (as de-  
9           fined in clause (v)) of—

10           “(aa) a terrorist organiza-  
11           tion (as defined in clause (vi)); or  
12           “(bb) a political, social, or  
13           other group that endorses or es-  
14           pouses terrorist activity;

15           “(V) is a member of a terrorist  
16           organization described in subclause (I)  
17           or (II) of clause (vi);

18           “(VI) is a member of a terrorist  
19           organization described in clause  
20           (vi)(III), unless the alien can dem-  
21           onstrate by clear and convincing evi-  
22           dence that the alien did not know, and  
23           should not reasonably have known,  
24           that the organization was a terrorist  
25           organization;

1                 “(VII) endorses or espouses ter-  
2                 rorist activity or persuades others to  
3                 endorse or espouse terrorist activity or  
4                 support a terrorist organization;

5                 “(VIII) has received military-type  
6                 training (as defined in section  
7                 2339D(e)(1) of title 18, United States  
8                 Code) from or on behalf of any orga-  
9                 nization that, at the time the training  
10                 was received, was a terrorist organiza-  
11                 tion (as defined in clause (vi)); or

12                 “(IX) is the spouse or child of an  
13                 alien who is inadmissible under this  
14                 subparagraph, if the activity causing  
15                 the alien to be found inadmissible oc-  
16                 curred within the last 5 years,

17                 is inadmissible.”.

18                 (b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—

19     Section 212(a)(3)(B)(iv) of the Immigration and Nation-  
20     ality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read  
21     as follows:

22                 “(iv) ENGAGE IN TERRORIST ACTIVITY  
23                 DEFINED.—As used in this Act, the term  
24                 ‘engage in terrorist activity’ means, in an

1 individual capacity or as a member of an  
2 organization—

3 “(I) to commit or to incite to  
4 commit, under circumstances indi-  
5 cating an intention to cause death or  
6 serious bodily injury, a terrorist activ-  
7 ity;

8 “(II) to prepare or plan a ter-  
9 rorist activity;

10 “(III) to gather information on  
11 potential targets for terrorist activity;

12 “(IV) to solicit funds or other  
13 things of value for—

14 “(aa) a terrorist activity;

15 “(bb) a terrorist organiza-  
16 tion described in clause (vi)(I) or  
17 (vi)(II); or

18 “(cc) a terrorist organiza-  
19 tion described in clause (vi)(III),  
20 unless the solicitor can dem-  
21 onstrate by clear and convincing  
22 evidence that he did not know,  
23 and should not reasonably have  
24 known, that the organization was  
25 a terrorist organization;

1                 “(V) to solicit any individual—  
2                         “(aa) to engage in conduct  
3                             otherwise described in this sub-  
4                             section;  
5                         “(bb) for membership in a  
6                             terrorist organization described  
7                             in clause (vi)(I) or (vi)(II); or  
8                         “(cc) for membership in a  
9                             terrorist organization described  
10                            in clause (vi)(III) unless the so-  
11                            licitor can demonstrate by clear  
12                            and convincing evidence that he  
13                            did not know, and should not  
14                            reasonably have known, that the  
15                            organization was a terrorist orga-  
16                            nization; or  
17                         “(VI) to commit an act that the  
18                           actor knows, or reasonably should  
19                           know, affords material support, in-  
20                           cluding a safe house, transportation,  
21                           communications, funds, transfer of  
22                           funds or other material financial ben-  
23                           efit, false documentation or identifica-  
24                           tion, weapons (including chemical, bi-

24 This clause shall not apply to any material  
25 support the alien afforded to an organiza-

tion or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Attorney General, after consultation with the Secretary of State and the Secretary of Homeland Security, concludes in his sole unreviewable discretion, that this clause should not apply.”.

10       (e) TERRORIST ORGANIZATION DEFINED.—Section  
11 212(a)(3)(B)(vi) of the Immigration and Nationality Act  
12 (§ U.S.C. 1182(a)(3)(B)(vi)) is amended to read as fol-  
13 lows:

“(H) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist or

1 ganism, after finding that the or-  
2 ganization engages in the activities  
3 described in subclauses (I) through  
4 (VI) of clause (iv); or

“(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).”.

11        (d) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on the date of the enactment  
13 of this division, and these amendments, and section  
14 212(a)(3)(B) of the Immigration and Nationality Act (8  
15 U.S.C. 1182(a)(3)(B)), as amended by this section, shall  
16 apply to—

17                   (1) removal proceedings instituted before, on, or  
18                   after the date of the enactment of this division; and  
19                   (2) acts and conditions constituting a ground  
20                   for inadmissibility, excludability, deportation, or re-  
21                   moval occurring or existing before, on, or after such  
22                   date.

## **23 SEC. 104. REMOVAL OF TERRORISTS.**

24 (a) IN GENERAL.

1                   (1) IN GENERAL.—Section 237(a)(4)(B) of the  
2       Immigration and Nationality Act (8 U.S.C.  
3       1227(a)(4)(B)) is amended to read as follows:

4                   “(B) TERRORIST ACTIVITIES.—Any alien  
5       who is described in subparagraph (B) or (F) of  
6       section 212(a)(3) is deportable.”.

7                   (2) EFFECTIVE DATE.—The amendment made  
8       by paragraph (1) shall take effect on the date of the  
9       enactment of this division, and the amendment, and  
10      section 237(a)(4)(B) of the Immigration and Na-  
11      tionality Act (8 U.S.C. 1227(a)(4)(B)), as amended  
12      by such paragraph, shall apply to—

13                  (A) removal proceedings instituted before,  
14       on, or after the date of the enactment of this  
15       division; and

16                  (B) acts and conditions constituting a  
17       ground for inadmissibility, excludability, depor-  
18       tation, or removal occurring or existing before,  
19       on, or after such date.

20                  (B) REPEAL.—Effective as of the date of the enact-  
21      ment of the Intelligence Reform and Terrorism Prevention  
22      Act of 2004 (Public Law 108-458), section 5402 of such  
23      Act is repealed, and the Immigration and Nationality Act  
24      shall be applied as if such section had not been enacted.

1   **SEC. 105. JUDICIAL REVIEW OF ORDERS OF REMOVAL.**

2       (a) IN GENERAL.—Section 242 of the Immigration  
3 and Nationality Act (8 U.S.C. 1252) is amended—

4           (1) in subsection (a)—

5              (A) in paragraph (2)—

6                  (i) in subparagraph (A), by inserting  
7 “(statutory or nonstatutory), including see-  
8 tion 2241 of title 28, United States Code,  
9 or any other habeas corpus provision, and  
10 sections 1361 and 1651 of such title” after  
11 “Notwithstanding any other provision of  
12 law”;

13                  (ii) in each of subparagraphs (B) and  
14 (C), by inserting “(statutory or nonstatu-  
15 tory), including section 2241 of title 28,  
16 United States Code, or any other habeas  
17 corpus provision, and sections 1361 and  
18 1651 of such title, and except as provided  
19 in subparagraph (D)” after “Notwith-  
20 standing any other provision of law”; and

21                  (iii) by adding at the end the fol-  
22 lowing:

23              “(D) JUDICIAL REVIEW OF CERTAIN  
24 LEGAL CLAIMS.—Nothing in subparagraph (B)  
25 or (C), or in any other provision of this Act  
26 which limits or eliminates judicial review, shall

1           be construed as precluding review of constitutional  
2           claims or pure questions of law raised  
3           upon a petition for review filed with an appropriate  
4           court of appeals in accordance with this section.”; and

6           (B) by adding at the end the following:

7           “(4) CLAIMS UNDER THE UNITED NATIONS  
8           CONVENTION.—Notwithstanding any other provision  
9           of law (statutory or nonstatutory), including section  
10           2241 of title 28, United States Code, or any other  
11           habeas corpus provision, and sections 1361 and  
12           1651 of such title, a petition for review filed with an  
13           appropriate court of appeals in accordance with this  
14           section shall be the sole and exclusive means for judicial  
15           review of any cause or claim under the United  
16           Nations Convention Against Torture and Other  
17           Forms of Cruel, Inhuman, or Degrading Treatment  
18           or Punishment, except as provided in subsection (e).

19           “(5) EXCLUSIVE MEANS OF REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the

1 sole and exclusive means for judicial review of an  
2 order of removal entered or issued under any provi-  
3 sion of this Act, except as provided in subsection (e).  
4 For purposes of this Act, in every provision that lim-  
5 its or eliminates judicial review or jurisdiction to re-  
6 view, the terms ‘judicial review’ and ‘jurisdiction to  
7 review’ include habeas corpus review pursuant to  
8 section 2241 of title 28, United States Code, or any  
9 other habeas corpus provision, sections 1361 and  
10 1651 of such title, and review pursuant to any other  
11 provision of law (statutory or nonstatutory).”;

12 (2) in subsection (b)—

13 (A) in paragraph (3)(B), by inserting  
14 “pursuant to subsection (f)” after “unless”,  
15 and

16 (B) in paragraph (9), by adding at the end  
17 the following: “Except as otherwise provided in  
18 this section, no court shall have jurisdiction, by  
19 habeas corpus under section 2241 of title 28,  
20 United States Code, or any other habeas corpus  
21 provision, by section 1361 or 1651 of such title,  
22 or by any other provision of law (statutory or  
23 nonstatutory), to review such an order or such  
24 questions of law or fact.”; and

1                             (3) in subsection (g), by inserting “(statutory  
2                             or nonstatutory), including section 2241 of title 28,  
3                             United States Code, or any other habeas corpus pro-  
4                             vision, and sections 1361 and 1651 of such title”  
5                             after “notwithstanding any other provision of law”.

6                     (b) EFFECTIVE DATE.—The amendments made by  
7     subsection (a) shall take effect upon the date of the enact-  
8     ment of this division and shall apply to cases in which  
9     the final administrative order of removal, deportation, or  
10    exclusion was issued before, on, or after the date of the  
11    enactment of this division.

12                     (c) TRANSFER OF CASES.—If an alien’s case, brought  
13    under section 2241 of title 28, United States Code, and  
14    challenging a final administrative order of removal, depor-  
15    tation, or exclusion, is pending in a district court on the  
16    date of the enactment of this division, then the district  
17    court shall transfer the case (or the part of the case that  
18    challenges the order of removal, deportation, or exclusion)  
19    to the court of appeals for the circuit in which a petition  
20    for review could have been properly filed under section  
21    242(b)(2) of the Immigration and Nationality Act (8  
22    U.S.C. 1252), as amended by this section, or under section  
23    309(e)(4)(D) of the Illegal Immigration Reform and Im-  
24    migrant Responsibility Act of 1996 (8 U.S.C. 1101 note).  
25    The court of appeals shall treat the transferred case as

1 if it had been filed pursuant to a petition for review under  
2 such section 242, except that subsection (b)(1) of such  
3 section shall not apply.

4       (d) TRANSITIONAL RULE CASES.—A petition for re-  
5 view filed under former section 106(a) of the Immigration  
6 and Nationality Act (as in effect before its repeal by sec-  
7 tion 306(b) of the Illegal Immigration Reform and Immi-  
8 grant Responsibility Act of 1996 (8 U.S.C. 1252 note))  
9 shall be treated as if it had been filed as a petition for  
10 review under section 242 of the Immigration and Nation-  
11 ality Act (8 U.S.C. 1252), as amended by this section.  
12 Notwithstanding any other provision of law (statutory or  
13 nonstatutory), including section 2241 of title 28, United  
14 States Code, or any other habeas corpus provision, and  
15 sections 1361 and 1651 of such title, such petition for re-  
16 view shall be the sole and exclusive means for judicial re-  
17 view of an order of deportation or exclusion.

18 **SEC. 106. DELIVERY BONDS.**

19       (a) DEFINITIONS.—For purposes of this section:

20           (i) DELIVERY BOND.—The term “delivery  
21 bond” means a written suretyship undertaking for  
22 the surrender of an individual against whom the De-  
23 partment of Homeland Security has issued an order  
24 to show cause or a notice to appear, the performance

1       of which is guaranteed by an acceptable surety on  
2       Federal bonds.

3           (2) **PRINCIPAL.**—The term “principal” means  
4       an individual who is the subject of a bond.

5           (3) **SURETYSHIP UNDERTAKING.**—The term  
6       “suretyship undertaking” means a written agree-  
7       ment, executed by a bonding agent on behalf of a  
8       surety, which binds all parties to its certain terms  
9       and conditions and which provides obligations for  
10      the principal and the surety while under the bond  
11      and penalties for forfeiture to ensure the obligations  
12      of the principal and the surety under the agreement.

13           (4) **BONDING AGENT.**—The term “bonding  
14       agent” means any individual properly licensed, ap-  
15       proved, and appointed by power of attorney to exe-  
16       cute or countersign surety bonds in connection with  
17       any matter governed by the Immigration and Na-  
18       tionality Act as amended (8 U.S.C. 1101, et seq.),  
19       and who receives a premium for executing or  
20       countersigning such surety bonds.

21           (5) **SURETY.**—The term “surety” means an en-  
22       tity, as defined by, and that is in compliance with,  
23       sections 9304 through 9308 of title 31, United  
24       States Code, that agrees—

1                   (A) to guarantee the performance, where  
2 appropriate, of the principal under a bond;  
3                   (B) to perform the bond as required; and  
4                   (C) to pay the face amount of the bond as  
5 a penalty for failure to perform.

6         (b) VALIDITY, AGENT NOT CO-OBLIGOR, EXPIRA-  
7 TION, RENEWAL, AND CANCELLATION OF BONDS.—

8                   (1) VALIDITY.—Delivery bond undertakings are  
9 valid if such bonds—

10                  (A) state the full, correct, and proper  
11 name of the alien principal;  
12                  (B) state the amount of the bond;  
13                  (C) are guaranteed by a surety and  
14 countersigned by an agent who is properly ap-  
15 pointed;

16                  (D) bond documents are properly executed;  
17 and

18                  (E) relevant bond documents are properly  
19 filed with the Secretary of Homeland Security.

20                  (2) BONDING AGENT NOT CO-OBLIGOR, PARTY,  
21 OR GUARANTOR IN INDIVIDUAL CAPACITY, AND NO  
22 REFUSAL IF ACCEPTABLE SURETY.—Section  
23 9304(b) of title 31, United States Code, is amended  
24 by adding at the end the following: “Notwith-  
25 standing any other provision of law, no bonding

1 agent of a corporate surety shall be required to exe-  
2 cute bonds as a co-obligor, party, or guarantor in an  
3 individual capacity on bonds provided by the cor-  
4 porate surety, nor shall a corporate surety bond be  
5 refused if the corporate surety appears on the cur-  
6 rent Treasury Department Circular 570 as a com-  
7 pany holding a certificate of authority as an acceptable  
8 surety on Federal bonds and attached to the  
9 bond is a currently valid instrument showing the au-  
10 thority of the bonding agent of the surety company  
11 to execute the bond.”.

12 (3) EXPIRATION.—A delivery bond undertaking  
13 shall expire at the earliest of—

- 14 (A) 1 year from the date of issue;
- 15 (B) at the cancellation of the bond or sur-  
16 render of the principal; or
- 17 (C) immediately upon nonpayment of the  
18 renewal premium.

19 (4) RENEWAL.—Delivery bonds may be re-  
20 newed annually, with payment of proper premium to  
21 the surety, if there has been no breach of conditions,  
22 default, claim, or forfeiture of the bond. Notwith-  
23 standing any renewal, when the alien is surrendered  
24 to the Secretary of Homeland Security for removal,  
25 the Secretary shall cause the bond to be canceled.

- 1                         (5) CANCELLATION.—Delivery bonds shall be  
2                         canceled and the surety exonerated—  
3                             (A) for nonrenewal after the alien has been  
4                         surrendered to the Department of Homeland  
5                         Security for removal;  
6                             (B) if the surety or bonding agent provides  
7                         reasonable evidence that there was misrepresen-  
8                         tation or fraud in the application for the bond;  
9                             (C) upon the death or incarceration of the  
10                         principal, or the inability of the surety to  
11                         produce the principal for medical reasons;  
12                             (D) if the principal is detained by any law  
13                         enforcement agency of any State, county, city,  
14                         or any political subdivision thereof;  
15                             (E) if it can be established that the alien  
16                         departed the United States of America for any  
17                         reason without permission of the Secretary of  
18                         Homeland Security, the surety, or the bonding  
19                         agent;  
20                             (F) if the foreign state of which the prin-  
21                         cipal is a national is designated pursuant to  
22                         section 244 of the Act (8 U.S.C. 1254a) after  
23                         the bond is posted; or

1                             (G) if the principal is surrendered to the  
2                             Department of Homeland Security, removal by  
3                             the surety or the bonding agent.

4                             (6) SURRENDER OF PRINCIPAL; FORFEITURE  
5                             OF BOND PREMIUM.—

6                             (A) SURRENDER.—At any time, before a  
7                             breach of any of the bond conditions, if in the  
8                             opinion of the surety or bonding agent, the  
9                             principal becomes a flight risk, the principal  
10                             may be surrendered to the Department of  
11                             Homeland Security for removal.

12                             (B) FORFEITURE OF BOND PREMIUM.—A  
13                             principal may be surrendered without the re-  
14                             turn of any bond premium if the principal—

15                                 (i) changes address without notifying  
16                             the surety, the bonding agent, and the Sec-  
17                             retary of Homeland Security in writing  
18                             prior to such change;

19                                 (ii) hides or is concealed from a sur-  
20                             ety, a bonding agent, or the Secretary;

21                                 (iii) fails to report to the Secretary as  
22                             required at least annually; or

23                                 (iv) violates the contract with the  
24                             bonding agent or surety, commits any act  
25                             that may lead to a breach of the bond, or

1                   otherwise violates any other obligation or  
2                   condition of the bond established by the  
3                   Secretary.

4                   **(7) CERTIFIED COPY OF BOND AND ARREST**  
5                   **WARRANT TO ACCOMPANY SURRENDER.—**

6                   (A) IN GENERAL.—A bonding agent or  
7                   surety desiring to surrender the principal—

8                         (i) shall have the right to petition the  
9                         Secretary of Homeland Security or any  
10                       Federal court, without having to pay any  
11                       fees or court costs, for an arrest warrant  
12                       for the arrest of the principal;

13                         (ii) shall forthwith be provided 2 certified  
14                       copies each of the arrest warrant and  
15                       the bond undertaking, without having to  
16                       pay any fees or courts costs; and

17                         (iii) shall have the right to pursue, ap-  
18                       prehend, detain, and surrender the prin-  
19                       cipal, together with certified copies of the  
20                       arrest warrant and the bond undertaking,  
21                       to any Department of Homeland Security  
22                       detention official or Department detention  
23                       facility or any detention facility authorized  
24                       to hold Federal detainees.

(B) EFFECTS OF DELIVERY.—Upon surrender of a principal under subparagraph (A)(iii)—

(i) the official to whom the principal is surrendered shall detain the principal in custody and issue a written certificate of surrender; and

(ii) the Secretary of Homeland Security shall immediately exonerate the surety from any further liability on the bond.

11                             (8) FORM OF BOND.—Delivery bonds shall in  
12                             all cases state the following and be secured by a cor-  
13                             porate surety that is certified as an acceptable sur-  
14                             ety on Federal bonds and whose name appears on  
15                             the current Treasury Department Circular 570:

16                   “(A) BREACH OF BOND; PROCEDURE; FOR-  
17                   FEITURE, NOTICE.—

“(I) immediately issue a warrant for the principal’s arrest and enter that arrest warrant into the National

1 Crime Information Center (NCIC)  
2 computerized information database;

3                         “(H) order the bonding agent  
4 and surety to take the principal into  
5 custody and surrender the principal to  
6 any one of 10 designated Department  
7 of Homeland Security ‘turn-in’ cen-  
8 ters located nationwide in the areas of  
9 greatest need, at any time of day dur-  
10 ing 15 months after mailing the ar-  
11 rest warrant and the order to the  
12 bonding agent and the surety as re-  
13 quired by subclause (III), and imme-  
14 diately enter that order into the Na-  
15 tional Crime Information Center  
16 (NCIC) computerized information  
17 database; and

18                         “(III) mail 2 certified copies each  
19                         of the arrest warrant issued pursuant  
20                         to subclause (I) and 2 certified copies  
21                         each of the order issued pursuant to  
22                         subclause (II) to only the bonding  
23                         agent and surety via certified mail re-  
24                         turn receipt to their last known ad-  
25                         dresses.

1                 “(ii) Bonding agents and sureties  
2 shall immediately notify the Secretary of  
3 Homeland Security of their changes of ad-  
4 dress and/or telephone numbers.

5                 “(iii) The Secretary of Homeland Se-  
6 curity shall establish, disseminate to bond-  
7 ing agents and sureties, and maintain on a  
8 current basis a secure nationwide toll-free  
9 list of telephone numbers of Department of  
10 Homeland Security officials, including the  
11 names of such officials, that bonding  
12 agents, sureties, and their employees may  
13 immediately contact at any time to discuss  
14 and resolve any issue regarding any prin-  
15 cipal or bond, to be known as ‘Points of  
16 Contact’.

17                 “(iv) A bonding agent or surety shall  
18 have full and complete access, free of  
19 charge, to any and all information, elec-  
20 tronic or otherwise, in the care, custody,  
21 and control of the United States Govern-  
22 ment or any State or local government or  
23 any subsidiary or police agency thereof re-  
24 garding the principal that may be helpful  
25 in complying with section 105 of the

1                   REAL ID Act of 2005 that the Secretary  
2                   of Homeland Security, by regulations sub-  
3                   ject to approval by Congress, determines  
4                   may be helpful in locating or surrendering  
5                   the principal. Beyond the principal, a  
6                   bonding agent or surety shall not be re-  
7                   quired to disclose any information, includ-  
8                   ing but not limited to the arrest warrant  
9                   and order, received from any governmental  
10                  source, any person, firm, corporation, or  
11                  other entity.

12                  “(v) If the principal is later arrested,  
13                  detained, or otherwise located outside the  
14                  United States and the outlying possessions  
15                  of the United States (as defined in section  
16                  101(a) of the Immigration and Nationality  
17                  Act), the Secretary of Homeland Security  
18                  shall—

19                  “(I) immediately order that the  
20                  surety is completely exonerated, and  
21                  the bond canceled; and

22                  “(II) if the Secretary of Home-  
23                  land Security has issued an order  
24                  under clause (i), the surety may re-  
25                  quest, by written, properly filed mo-

8                         “(I) during the 15 months after  
9                         the date the arrest warrant and order  
10                        were mailed pursuant to clause  
11                        (i)(III) surrender the principal one  
12                        time; or

13                         “(H)(aa) provide reasonable evi-  
14                         dence that producing the principal  
15                         was prevented—

“(aaa) by the principal’s illness or death;

10                         “(vii) If compliance occurs more than  
11                         15 months but no more than 18 months  
12                         after the mailing of the arrest warrant and  
13                         order to the bonding agent and the surety  
14                         required under clause (i)(III), an amount  
15                         equal to 25 percent of the face amount of  
16                         the bond shall be assessed as a penalty  
17                         against the surety.

18                         “(viii) If compliance occurs more than  
19                         18 months but no more than 21 months  
20                         after the mailing of the arrest warrant and  
21                         order to the bonding agent and the surety  
22                         required under clause (i)(III), an amount  
23                         equal to 50 percent of the face amount of  
24                         the bond shall be assessed as a penalty  
25                         against the surety.

1                 “(ix) If compliance occurs more than  
2                 21 months but no more than 24 months  
3                 after the mailing of the arrest warrant and  
4                 order to the bonding agent and the surety  
5                 required under clause (i)(III), an amount  
6                 equal to 75 percent of the face amount of  
7                 the bond shall be assessed as a penalty  
8                 against the surety.

9                 “(x) If compliance occurs 24 months  
10                 or more after the mailing of the arrest  
11                 warrant and order to the bonding agent  
12                 and the surety required under clause  
13                 (i)(III), an amount equal to 100 percent of  
14                 the face amount of the bond shall be as-  
15                 sessed as a penalty against the surety.

16                 “(xi) If any surety surrenders any  
17                 principal to the Secretary of Homeland Se-  
18                 curity at any time and place after the pe-  
19                 riod for compliance has passed, the Sec-  
20                 retary of Homeland Security shall cause to  
21                 be issued to that surety an amount equal  
22                 to 50 percent of the face amount of the  
23                 bond. *Provided, however,* That if that sur-  
24                 ety owes any penalties on bonds to the  
25                 United States, the amount that surety

1           would otherwise receive shall be offset by  
2           and applied as a credit against the amount  
3           of penalties on bonds it owes the United  
4           States, and then that surety shall receive  
5           the remainder of the amount to which it is  
6           entitled under this subparagraph, if any.

7           “(xii) All penalties assessed against a  
8           surety on a bond, if any, shall be paid by  
9           the surety no more than 27 months after  
10          the mailing of the arrest warrant and  
11          order to the bonding agent and the surety  
12          required under clause (i)(III).

13          “(B) The Secretary of Homeland Security  
14          may waive penalties or extend the period for  
15          payment or both, if—

16           “(i) a written request is filed with the  
17           Secretary of Homeland Security; and

18           “(ii) the bonding agent or surety pro-  
19           vides an affidavit that diligent efforts were  
20           made to effect compliance of the principal.

21          “(C) COMPLIANCE, EXONERATION, LIMITA-  
22          TION OF LIABILITY.—

23           “(i) COMPLIANCE.—A bonding agent  
24           or surety shall have the absolute right to  
25           locate, apprehend, arrest, detain, and sur-

1 render any principal, wherever he or she  
2 may be found, who violates any of the  
3 terms and conditions of his or her bond.

4       “(ii) EXONERATION.—Upon satisfying  
5 any of the requirements of the bond, the  
6 surety shall be completely exonerated.

7       “(iii) LIMITATION OF LIABILITY.—  
8 Notwithstanding any other provision of  
9 law, the total liability on any surety under-  
10 taking shall not exceed the face amount of  
11 the bond.”.

12      (e) EFFECTIVE DATE.—The provisions of this section  
13 shall take effect on the date of the enactment of this divi-  
14 sion and shall apply to bonds and surety undertakings exe-  
15 cuted before, on, or after the date of the enactment of  
16 this division.

17      **SEC. 107. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.**  
18       (a) IN GENERAL.—Section 236(a)(2) of the Immig-  
19 ration and Nationality Act (8 U.S.C. 1226(a)(2)) is  
20 amended to read as follows:

21       “(2) subject to such reasonable regulations as  
22 the Secretary of Homeland Security may prescribe,  
23 shall permit agents, servants, and employees of cor-  
24 porate sureties to visit in person with individuals de-  
25 tained by the Secretary of and, subject to section

1       241(a)(8), may release the alien on a delivery bond  
2       of at least \$10,000, with security approved by the  
3       Secretary, and containing conditions and procedures  
4       prescribed by section 105 of the REAL ID Act of  
5       2005 and by the Secretary, but the Secretary shall  
6       not release the alien on or to his own recognizance  
7       unless an order of an immigration judge expressly  
8       finds and states in a signed order to release the  
9       alien to his own recognizance that the alien is not  
10      a flight risk and is not a threat to the United  
11      States".

12      (b) REPEAL.—Section 286(r) of the Immigration and  
13      Nationality Act (8 U.S.C. 1356(r)) is repealed.

14      (c) EFFECTIVE DATE.—The amendment made by  
15      subsection (a) shall take effect on the date of the enact-  
16      ment of this division.

17      **SEC. 108. DETENTION OF ALIENS DELIVERED BY BONDS-**

18                   **MEN.**

19      (a) IN GENERAL.—Section 241(a) of the Immigra-  
20      tion and Nationality Act (8 U.S.C. 1231(a)) is amended  
21      by adding at the end the following:

22                  “(8) EFFECT OF PRODUCTION OF ALIEN BY  
23                  BONDSMAN.—Notwithstanding any other provision  
24                  of law, the Secretary of Homeland Security shall  
25                  take into custody any alien subject to a final order

1       of removal, and cancel any bond previously posted  
2       for the alien, if the alien is produced within the pre-  
3       scribed time limit by the obligor on the bond whether  
4       or not the Department of Homeland Security ac-  
5       cepts custody of the alien. The obligor on the bond  
6       shall be deemed to have substantially performed all  
7       conditions imposed by the terms of the bond, and  
8       shall be released from liability on the bond, if the  
9       alien is produced within such time limit.”.

10      (b) EFFECTIVE DATE.—The amendment made by  
11     subsection (a) shall take effect on the date of the enact-  
12     ment of this division and shall apply to all immigration  
13     bonds posted before, on, or after such date.

14     **TITLE II—IMPROVED SECURITY  
15                          FOR DRIVERS' LICENSES AND  
16                          PERSONAL IDENTIFICATION  
17                          CARDS**

18     **SEC. 201. DEFINITIONS.**

19       In this title, the following definitions apply:

20           (1) DRIVER'S LICENSE.—The term “driver's li-  
21        cense” means a motor vehicle operator's license, as  
22        defined in section 30301 of title 49, United States  
23        Code.

24           (2) IDENTIFICATION CARD.—The term “iden-  
25        tification card” means a personal identification card,

1       as defined in section 1028(d) of title 18, United  
2       States Code, issued by a State.

3           (3) SECRETARY.—The term “Secretary” means  
4       the Secretary of Homeland Security.

5           (4) STATE.—The term “State” means a State  
6       of the United States, the District of Columbia, Puerto  
7       Rico, the Virgin Islands, Guam, American Samoa,  
8       the Northern Mariana Islands, the Trust Territory  
9       of the Pacific Islands, and any other territory or  
10      possession of the United States.

11   **SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND**  
12           **ISSUANCE STANDARDS FOR FEDERAL RE-**  
13           **COGNITION.**

14           (a) MINIMUM STANDARDS FOR FEDERAL USE.—

15           (1) IN GENERAL.—Beginning 3 years after the  
16       date of the enactment of this division, a Federal  
17       agency may not accept, for any official purpose, a  
18       driver’s license or identification card issued by a  
19       State to any person unless the State is meeting the  
20       requirements of this section.

21           (2) STATE CERTIFICATIONS.—The Secretary  
22       shall determine whether a State is meeting the re-  
23       quirements of this section based on certifications  
24       made by the State to the Secretary of Transpor-  
25       tation. Such certifications shall be made at such

1       times and in such manner as the Secretary of  
2       Transportation, in consultation with the Secretary of  
3       Homeland Security, may prescribe by regulation.

4       **(b) MINIMUM DOCUMENT REQUIREMENTS.**—To meet  
5       the requirements of this section, a State shall include, at  
6       a minimum, the following information and features on  
7       each driver's license and identification card issued to a  
8       person by the State:

- 9               (1) The person's full legal name.
- 10              (2) The person's date of birth.
- 11              (3) The person's gender.
- 12              (4) The person's driver's license or identifica-  
13              tion card number.
- 14              (5) A digital photograph of the person.
- 15              (6) The person's address of principle residence.
- 16              (7) The person's signature.
- 17              (8) Physical security features designed to pre-  
18              vent tampering, counterfeiting, or duplication of the  
19              document for fraudulent purposes.
- 20              (9) A common machine-readable technology,  
21              with defined minimum data elements.

22       **(c) MINIMUM ISSUANCE STANDARDS.**—

23       **(1) IN GENERAL.**—To meet the requirements of  
24       this section, a State shall require, at a minimum,  
25       presentation and verification of the following infor-

1 mation before issuing a driver's license or identifica-  
2 tion card to a person.

3 (A) A photo identity document, except that  
4 a non-photo identity document is acceptable if  
5 it includes both the person's full legal name and  
6 date of birth.

7 (B) Documentation showing the person's  
8 date of birth.

9 (C) Proof of the person's social security  
10 account number or verification that the person  
11 is not eligible for a social security account num-  
12 ber.

13 (D) Documentation showing the person's  
14 name and address of principal residence.

15 (2) SPECIAL REQUIREMENTS.—

16 (A) IN GENERAL.—To meet the require-  
17 ments of this section, a State shall comply with  
18 the minimum standards of this paragraph.

19 (B) EVIDENCE OF LAWFUL STATUS.—A  
20 State shall require, before issuing a driver's li-  
21 cense or identification card to a person, valid  
22 documentary evidence that the person—

23 (i) is a citizen of the United States;

1                         (ii) is an alien lawfully admitted for  
2                         permanent or temporary residence in the  
3                         United States;

4                         (iii) has conditional permanent resi-  
5                         dent status in the United States;

6                         (iv) has an approved application for  
7                         asylum in the United States or has entered  
8                         into the United States in refugee status;

9                         (v) has a valid, unexpired non-  
10                         immigrant visa or nonimmigrant visa sta-  
11                         tus for entry into the United States;

12                         (vi) has a pending application for asy-  
13                         lum in the United States;

14                         (vii) has a pending or approved appli-  
15                         cation for temporary protected status in  
16                         the United States;

17                         (viii) has approved deferred action  
18                         status; or

19                         (ix) has a pending application for ad-  
20                         justment of status to that of an alien law-  
21                         fully admitted for permanent residence in  
22                         the United States or conditional perma-  
23                         nent resident status in the United States.

24                         (C) TEMPORARY DRIVERS' LICENSES AND  
25                         IDENTIFICATION CARDS.—

1                             (i) IN GENERAL.—If a person pre-  
2                             sents evidence under any of clauses (v)  
3                             through (ix) of subparagraph (B), the  
4                             State may only issue a temporary driver's  
5                             license or temporary identification card to  
6                             the person.

7                             (ii) EXPIRATION DATE.—A temporary  
8                             driver's license or temporary identification  
9                             card issued pursuant to this subparagraph  
10                            shall be valid only during the period of  
11                            time of the applicant's authorized stay in  
12                            the United States or, if there is no definite  
13                            end to the period of authorized stay, a pe-  
14                            riod of one year.

15                             (iii) DISPLAY OF EXPIRATION  
16                             DATE.—A temporary driver's license or  
17                             temporary identification card issued pursu-  
18                             ant to this subparagraph shall clearly indi-  
19                             cate that it is temporary and shall state  
20                             the date on which it expires.

21                             (iv) RENEWAL.—A temporary driver's  
22                             license or temporary identification card  
23                             issued pursuant to this subparagraph may  
24                             be renewed only upon presentation of valid  
25                             documentary evidence that the status by

1                   which the applicant qualified for the tem-  
2                   porary driver's license or temporary identi-  
3                   fication card has been extended by the Sec-  
4                   retary of Homeland Security.

5                   (3) VERIFICATION OF DOCUMENTS.—To meet  
6                   the requirements of this section, a State shall imple-  
7                   ment the following procedures:

8                   (A) Before issuing a driver's license or  
9                   identification card to a person, the State shall  
10                  verify, with the issuing agency, the issuance, va-  
11                  lidity, and completeness of each document re-  
12                  quired to be presented by the person under  
13                  paragraph (1) or (2).

14                  (B) The State shall not accept any foreign  
15                  document, other than an official passport, to  
16                  satisfy a requirement of paragraph (1) or (2).

17                  (C) Not later than September 11, 2005,  
18                  the State shall enter into a memorandum of un-  
19                  derstanding with the Secretary of Homeland  
20                  Security to routinely utilize the automated sys-  
21                  tem known as Systematic Alien Verification for  
22                  Entitlements, as provided for by section 404 of  
23                  the Illegal Immigration Reform and Immigrant  
24                  Responsibility Act of 1996 (110 Stat. 3009–  
25                  664), to verify the legal presence status of a

1           person, other than a United States citizen, applying for a driver's license or identification card.

4         (d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

8           (1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

12          (2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

15          (3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

18          (4) Establish an effective procedure to confirm or verify a renewing applicant's information.

20          (5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driv-

1       er's license or identification card, the State shall re-  
2       solve the discrepancy and take appropriate action.

3           (6) Refuse to issue a driver's license or identi-  
4       fication card to a person holding a driver's license  
5       issued by another State without confirmation that  
6       the person is terminating or has terminated the driv-  
7       er's license.

8           (7) Ensure the physical security of locations  
9       where drivers' licenses and identification cards are  
10      produced and the security of document materials  
11      and papers from which drivers' licenses and identi-  
12      fication cards are produced.

13           (8) Subject all persons authorized to manufac-  
14      ture or produce drivers' licenses and identification  
15      cards to appropriate security clearance requirements.

16           (9) Establish fraudulent document recognition  
17      training programs for appropriate employees en-  
18      gaged in the issuance of drivers' licenses and identi-  
19      fication cards.

20           (10) Limit the period of validity of all driver's  
21      licenses and identification cards that are not tem-  
22      porary to a period that does not exceed 8 years.

23 **SEC. 203. LINKING OF DATABASES.**

24           (a) IN GENERAL.—To be eligible to receive any grant  
25      or other type of financial assistance made available under

1 this title, a State shall participate in the interstate com-  
2 pact regarding sharing of driver license data, known as  
3 the “Driver License Agreement”, in order to provide elec-  
4 tronic access by a State to information contained in the  
5 motor vehicle databases of all other States.

6       (b) REQUIREMENTS FOR INFORMATION.—A State  
7 motor vehicle database shall contain, at a minimum, the  
8 following information:

(1) All data fields printed on drivers' licenses  
and identification cards issued by the State.

(2) Motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

14 SEC. 204. TRAFFICKING IN AUTHENTICATION FEATURES  
15 FOR USE IN FALSE IDENTIFICATION DOCUMENTS.  
16

17       (a) CRIMINAL PENALTY.—Section 1028(a)(8) of title  
18 18, United States Code, is amended by striking “false au-  
19 thentication features” and inserting “false or actual au-  
20 thentication features”.

21           (b) USE OF FALSE DRIVER'S LICENSE AT AIR-  
22 PORTS.—

(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any

1        person convicted of using a false driver's license at  
2        an airport (as such term is defined in section 40102  
3        of title 49, United States Code).

4              (2) FALSE DEFINED.—In this subsection, the  
5        term "false" has the same meaning such term has  
6        under section 1028(d) of title 18, United States  
7        Code.

8        **SEC. 205. GRANTS TO STATES.**

9              (a) IN GENERAL.—The Secretary may make grants  
10      to a State to assist the State in conforming to the min-  
11      imum standards set forth in this title.

12              (b) AUTHORIZATION OF APPROPRIATIONS.—There  
13      are authorized to be appropriated to the Secretary for  
14      each of the fiscal years 2005 through 2009 such sums as  
15      may be necessary to carry out this title.

16        **SEC. 206. AUTHORITY.**

17              (a) PARTICIPATION OF SECRETARY OF TRANSPOR-  
18      TATION AND STATES.—All authority to issue regulations,  
19      set standards, and issue grants under this title shall be  
20      carried out by the Secretary, in consultation with the See-  
21      retary of Transportation and the States.

22              (b) COMPLIANCE WITH STANDARDS.—All authority  
23      to certify compliance with standards under this title shall  
24      be carried out by the Secretary of Transportation, in con-

1 sultation with the Secretary of Homeland Security and the  
2 States.

3 (e) EXTENSIONS OF DEADLINES.—The Secretary  
4 may grant to a State an extension of time to meet the  
5 requirements of section 202(a)(1) if the State provides  
6 adequate justification for noncompliance.

7 **SEC. 207. REPEAL.**

8 Section 7212 of the Intelligence Reform and Ter-  
9 rorism Prevention Act of 2004 (Public Law 108-458) is  
10 repealed.

11 **SEC. 208. LIMITATION ON STATUTORY CONSTRUCTION.**

12 Nothing in this title shall be construed to affect the  
13 authorities or responsibilities of the Secretary of Trans-  
14 portation or the States under chapter 303 of title 49,  
15 United States Code.

16 **TITLE III—BORDER INFRA-**  
17 **STRUCTURE AND TECH-**  
18 **NOLOGY INTEGRATION**

19 **SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.**

20 (a) STUDY.—The Under Secretary of Homeland Se-  
21 curity for Border and Transportation Security, in con-  
22 sultation with the Under Secretary of Homeland Security  
23 for Science and Technology and the Under Secretary of  
24 Homeland Security for Information Analysis and Infra-  
25 structure Protection, shall study the technology, equip-

1 ment, and personnel needed to address security  
2 vulnerabilities within the United States for each field of-  
3 fice of the Bureau of Customs and Border Protection that  
4 has responsibility for any portion of the United States bor-  
5 ders with Canada and Mexico. The Under Secretary shall  
6 conduct follow-up studies at least once every 5 years.

7       (b) REPORT TO CONGRESS.—The Under Secretary  
8 shall submit a report to Congress on the Under Sec-  
9 retary's findings and conclusions from each study con-  
10 ducted under subsection (a) together with legislative re-  
11 commendations, as appropriate, for addressing any security  
12 vulnerabilities found by the study.

13       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Department of  
15 Homeland Security Directorate of Border and Transpor-  
16 tation Security such sums as may be necessary for fiscal  
17 years 2006 through 2011 to carry out any such re-  
18 commendations from the first study conducted under sub-  
19 section (a).

20 **SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES  
21 FOR BORDER SECURITY.**

22       (a) PILOT PROGRAM.—Not later than 180 days after  
23 the date of the enactment of this division, the Under Sec-  
24 retary of Homeland Security for Science and Technology,  
25 in consultation with the Under Secretary of Homeland Se-

1     Secretary for Border and Transportation Security, the Under  
2     Secretary of Homeland Security for Information Analysis  
3     and Infrastructure Protection, and the Secretary of De-  
4     fense, shall develop a pilot program to utilize, or increase  
5     the utilization of, ground surveillance technologies to en-  
6     hance the border security of the United States. In devel-  
7     oping the program, the Under Secretary shall—

8                 (1) consider various current and proposed  
9     ground surveillance technologies that could be uti-  
10   lized to enhance the border security of the United  
11   States;

12                 (2) assess the threats to the border security of  
13   the United States that could be addressed by the  
14   utilization of such technologies; and

15                 (3) assess the feasibility and advisability of uti-  
16   lizing such technologies to address such threats, in-  
17   cluding an assessment of the technologies considered  
18   best suited to address such threats.

19                 (b) ADDITIONAL REQUIREMENTS.—

20                 (1) IN GENERAL.—The pilot program shall in-  
21   clude the utilization of a variety of ground surveil-  
22   lance technologies in a variety of topographies and  
23   areas (including both populated and unpopulated  
24   areas) on both the northern and southern borders of

1       the United States in order to evaluate, for a range  
2       of circumstances—

3                     (A) the significance of previous experiences  
4       with such technologies in homeland security or  
5       critical infrastructure protection for the utiliza-  
6       tion of such technologies for border security;

7                     (B) the cost, utility, and effectiveness of  
8       such technologies for border security; and

9                     (C) liability, safety, and privacy concerns  
10      relating to the utilization of such technologies  
11      for border security.

12                 (2) TECHNOLOGIES.—The ground surveillance  
13      technologies utilized in the pilot program shall in-  
14      clude the following:

15                     (A) Video camera technology.

16                     (B) Sensor technology.

17                     (C) Motion detection technology.

18                 (e) IMPLEMENTATION.—The Under Secretary of  
19      Homeland Security for Border and Transportation Secu-  
20      rity shall implement the pilot program developed under  
21      this section.

22                 (d) REPORT.—Not later than 1 year after imple-  
23      menting the pilot program under subsection (a), the  
24      Under Secretary shall submit a report on the program to  
25      the Senate Committee on Commerce, Science, and Trans-

1 portation, the House of Representatives Committee on  
2 Science, the House of Representatives Committee on  
3 Homeland Security, and the House of Representatives  
4 Committee on the Judiciary. The Under Secretary shall  
5 include in the report a description of the program together  
6 with such recommendations as the Under Secretary finds  
7 appropriate, including recommendations for terminating  
8 the program, making the program permanent, or enhanc-  
9 ing the program.

10 **SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRA-**  
11 **TION AND INFORMATION SHARING ON BOR-**  
12 **DER SECURITY.**

13 (a) **IN GENERAL.**—Not later than 180 days after the  
14 date of the enactment of this division, the Secretary of  
15 Homeland Security, acting through the Under Secretary  
16 of Homeland Security for Border and Transportation Se-  
17 curity, in consultation with the Under Secretary of Home-  
18 land Security for Science and Technology, the Under Sec-  
19 retary of Homeland Security for Information Analysis and  
20 Infrastructure Protection, the Assistant Secretary of Com-  
21 mmerce for Communications and Information, and other ap-  
22 propriate Federal, State, local, and tribal agencies, shall  
23 develop and implement a plan—

24 (1) to improve the communications systems of  
25 the departments and agencies of the Federal Gov-

1       ernment in order to facilitate the integration of com-  
2       munications among the departments and agencies of  
3       the Federal Government and State, local government  
4       agencies, and Indian tribal agencies on matters re-  
5       lating to border security; and

6              (2) to enhance information sharing among the  
7       departments and agencies of the Federal Govern-  
8       ment, State and local government agencies, and In-  
9       dian tribal agencies on such matters.

10       (b) REPORT.—Not later than 1 year after imple-  
11       menting the plan under subsection (a), the Secretary shall  
12       submit a copy of the plan and a report on the plan, includ-  
13       ing any recommendations the Secretary finds appropriate,  
14       to the Senate Committee on Commerce, Science, and  
15       Transportation, the House of Representatives Committee  
16       on Science, the House of Representatives Committee on  
17       Homeland Security, and the House of Representatives  
18       Committee on the Judiciary.

19       *That the following sums are appropriated, out of any  
20       money in the Treasury not otherwise appropriated, for the  
21       fiscal year ending September 30, 2005, and for other pur-  
22       poses, namely:*

1    **TITLE I—DEFENSE-RELATED APPROPRIATIONS**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”, \$13,609,308,000: Provided, That the amount pro-*  
8    *vided under this heading is designated as an emergency re-*  
9    *quirement pursuant to section 402 of the conference report*  
10   *to accompany S. Con. Res. 95 (108th Congress).*

11                   **MILITARY PERSONNEL, NAVY**

12        *For an additional amount for “Military Personnel,*  
13    *Navy”, \$535,108,000: Provided, That the amount provided*  
14   *under this heading is designated as an emergency require-*  
15   *ment pursuant to section 402 of the conference report to*  
16   *accompany S. Con. Res. 95 (108th Congress).*

17                   **MILITARY PERSONNEL, MARINE CORPS**

18        *For an additional amount for “Military Personnel,*  
19    *Marine Corps”, \$1,358,053,000: Provided, That the amount*  
20   *provided under this heading is designated as an emergency*  
21   *requirement pursuant to section 402 of the conference report*  
22   *to accompany S. Con. Res. 95 (108th Congress).*

23                   **MILITARY PERSONNEL, AIR FORCE**

24        *For an additional amount for “Military Personnel,*  
25    *Air Force”, \$1,684,943,000: Provided, That the amount*

1 provided under this heading is designated as an emergency  
2 requirement pursuant to section 402 of the conference report  
3 to accompany S. Con. Res. 95 (108th Congress).

4                   *RESERVE PERSONNEL, ARMY*

5         *For an additional amount for “Reserve Personnel,*  
6 *Army”, \$39,627,000: Provided, That the amount provided*  
7 *under this heading is designated as an emergency require-*  
8 *ment pursuant to section 402 of the conference report to*  
9 *accompany S. Con. Res. 95 (108th Congress).*

10                  *RESERVE PERSONNEL, NAVY*

11         *For an additional amount for “Reserve Personnel,*  
12 *Navy”, \$9,411,000: Provided, That the amount provided*  
13 *under this heading is designated as an emergency require-*  
14 *ment pursuant to section 402 of the conference report to*  
15 *accompany S. Con. Res. 95 (108th Congress).*

16                  *RESERVE PERSONNEL, MARINE CORPS*

17         *For an additional amount for “Reserve Personnel, Ma-*  
18 *rine Corps”, \$4,015,000: Provided, That the amount pro-*  
19 *vided under this heading is designated as an emergency re-*  
20 *quirement pursuant to section 402 of the conference report*  
21 *to accompany S. Con. Res. 95 (108th Congress).*

22                  *RESERVE PERSONNEL, AIR FORCE*

23         *For an additional amount for “Reserve Personnel, Air*  
24 *Force”, \$130,000: Provided, That the amount provided*  
25 *under this heading is designated as an emergency require-*

1   ment pursuant to section 402 of the conference report to  
2   accompany S. Con. Res. 95 (108th Congress).

3                 *NATIONAL GUARD PERSONNEL, ARMY*

4         *For an additional amount for “National Guard Per-*  
5   *sonnel, Army”, \$291,100,000: Provided, That the amount*  
6   *provided under this heading is designated as an emergency*  
7   *requirement pursuant to section 402 of the conference report*  
8   *to accompany S. Con. Res. 95 (108th Congress).*

9                 *NATIONAL GUARD PERSONNEL, AIR FORCE*

10         *For an additional amount for “National Guard Per-*  
11   *sonnel, Air Force”, \$91,000: Provided, That the amount*  
12   *provided under this heading is designated as an emergency*  
13   *requirement pursuant to section 402 of the conference report*  
14   *to accompany S. Con. Res. 95 (108th Congress).*

15                 *OPERATION AND MAINTENANCE*

16                 *OPERATION AND MAINTENANCE, ARMY*

17         *For an additional amount for “Operation and Mainte-*  
18   *nance, Army”, \$16,767,304,000: Provided, That the amount*  
19   *provided under this heading is designated as an emergency*  
20   *requirement pursuant to section 402 of the conference report*  
21   *to accompany S. Con. Res. 95 (108th Congress).*

22                 *OPERATION AND MAINTENANCE, NAVY*

23         *For an additional amount for “Operation and Mainte-*  
24   *nance, Navy”, \$3,430,801,000: Provided, That the amount*  
25   *provided under this heading is designated as an emergency*

1 requirement pursuant to section 402 of the conference report  
2 to accompany S. Con. Res. 95 (108th Congress).

3           *OPERATION AND MAINTENANCE, MARINE CORPS*  
4           *For an additional amount for “Operation and Mainte-*  
5       *nance, Marine Corps”, \$970,464,000: Provided, That the*  
6       *amount provided under this heading is designated as an*  
7       *emergency requirement pursuant to section 402 of the con-*  
8       *ference report to accompany S. Con. Res. 95 (108th Con-*  
9       *gress).*

10           *OPERATION AND MAINTENANCE, AIR FORCE*  
11           *For an additional amount for “Operation and Mainte-*  
12       *nance, Air Force”, \$5,528,574,000: Provided, That the*  
13       *amount provided under this heading is designated as an*  
14       *emergency requirement pursuant to section 402 of the con-*  
15       *ference report to accompany S. Con. Res. 95 (108th Con-*  
16       *gress).*

17           *OPERATION AND MAINTENANCE, DEFENSE-WIDE*  
18           *For an additional amount for “Operation and Mainte-*  
19       *nance, Defense-Wide”, \$3,308,392,000, of which—*

20           *(1) not to exceed \$25,000,000 may be used for the*  
21       *Combatant Commander Initiative Fund, to be used in*  
22       *support of Operation Iraqi Freedom and Operation*  
23       *Enduring Freedom; and*

24           *(2) up to \$1,370,000,000, to remain available*  
25       *until expended, may be used for payments to reim-*

1       **burse Pakistan, Jordan, and other key cooperating**  
2       **nations, for logistical, military, and other support**  
3       **provided, or to be provided, to United States military**  
4       **operations, notwithstanding any other provision of**  
5       **law: Provided, That such payments may be made in**  
6       **such amounts as the Secretary of Defense, with the**  
7       **concurrence of the Secretary of State, and in con-**  
8       **sultation with the Director of the Office of Manage-**  
9       **ment and Budget, may determine, in his discretion,**  
10      **based on documentation determined by the Secretary**  
11      **of Defense to adequately account for the support pro-**  
12      **vided, and such determination is final and conclusive**  
13      **upon the accounting officers of the United States, and**  
14      **15 days following notification to the appropriate con-**  
15      **gressional committees: Provided further, That the Sec-**  
16      **retary of Defense shall provide quarterly reports to**  
17      **the congressional defense committees on the use of**  
18      **funds provided in this paragraph: Provided further,**  
19      **That the amount provided under this heading is des-**  
20      **ignated as an emergency requirement pursuant to sec-**  
21      **tion 402 of the conference report to accompany S.**  
22      **Con. Res. 95 (108th Congress).**

23      **OPERATION AND MAINTENANCE, ARMY RESERVE**  
24      **For an additional amount for “Operation and Mainte-**  
25      **nance, Army Reserve”, \$21,354,000: Provided, That the**

1   *amount provided under this heading is designated as an*  
2   *emergency requirement pursuant to section 402 of the con-*  
3   *ference report to accompany S. Con. Res. 95 (108th Con-*  
4   *gress).*

5         *OPERATION AND MAINTENANCE, NAVY RESERVE*  
6         *For an additional amount for “Operation and Mainte-*  
7         *nance, Navy Reserve”, \$75,164,000: Provided, That the*  
8         *amount provided under this heading is designated as an*  
9         *emergency requirement pursuant to section 402 of the con-*  
10      *ference report to accompany S. Con. Res. 95 (108th Con-*  
11      *gress).*

12         *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*  
13         *For an additional amount for “Operation and Mainte-*  
14         *nance, Marine Corps Reserve”, \$24,920,000: Provided, That*  
15         *the amount provided under this heading is designated as*  
16         *an emergency requirement pursuant to section 402 of the*  
17         *conference report to accompany S. Con. Res. 95 (108th Con-*  
18         *gress).*

19         *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*  
20         *For an additional amount for “Operation and Mainte-*  
21         *nance, Army National Guard”, \$326,879,000: Provided,*  
22         *That the amount provided under this heading is designated*  
23         *as an emergency requirement pursuant to section 402 of*  
24         *the conference report to accompany S. Con. Res. 95 (108th*  
25         *Congress).*

## 1           AFGHANISTAN SECURITY FORCES FUND

2           (INCLUDING TRANSFER OF FUNDS)

3       For the “Afghanistan Security Forces Fund”,  
4       \$1,285,000,000, to remain available until September 30,  
5       2006: Provided, That such funds shall be available to the  
6       Secretary of Defense, notwithstanding any other provision  
7       of law, for the purpose of allowing the Commander, Com-  
8       bined Forces Command—Afghanistan, or the Secretary’s  
9       designee to provide assistance, with the concurrence of the  
10      Secretary of State, to the security forces of Afghanistan in-  
11      cluding the provision of equipment, supplies, services,  
12      training, facility and infrastructure repair, renovation,  
13      and construction: Provided further, That the authority to  
14      provide assistance under this section is in addition to any  
15      other authority to provide assistance to foreign nations:  
16      Provided further, That the Secretary of Defense may trans-  
17      fer the funds provided herein to appropriations for military  
18      personnel; operation and maintenance; Overseas Humani-  
19      tarian, Disaster, and Civic Aid; procurement; research, de-  
20      velopment, test and evaluation; and defense working capital  
21      funds to accomplish the purposes provided herein: Provided  
22      further, That this transfer authority is in addition to any  
23      other transfer authority available to the Department of De-  
24      fense: Provided further, That upon a determination that all  
25      or part of the funds so transferred from this appropriation

1 are not necessary for the purposes provided herein, such  
2 amounts may be transferred back to this appropriation:  
3 Provided further, That of the amounts provided under this  
4 heading, \$290,000,000 shall be transferred to “Operation  
5 and Maintenance, Army” to reimburse the Department of  
6 the Army for costs incurred to train, equip and provide  
7 related assistance to Afghan security forces: Provided fur-  
8 ther, That contributions of funds for the purposes provided  
9 herein from any person, foreign government, or inter-  
10 national organization may be credited to this Fund, and  
11 used for such purposes: Provided further, That the Secretary  
12 shall notify the congressional defense committees in writing  
13 upon the receipt and upon the transfer of any contribution  
14 delineating the sources and amounts of the funds received  
15 and the specific use of such contributions: Provided further,  
16 That the Secretary of Defense shall, not fewer than 5 days  
17 prior to making transfers from this appropriation, notify  
18 the congressional defense committees in writing of the de-  
19 tails of any such transfer: Provided further, That the Sec-  
20 retary shall submit a report no later than 30 days after  
21 the end of each fiscal quarter to the congressional defense  
22 committees summarizing the details of the transfer of funds  
23 from this appropriation: Provided further, That the amount  
24 provided under this heading is designated as an emergency

1 requirement pursuant to section 402 of the conference report  
2 to accompany S. Con. Res. 95 (108th Congress).

3                   **IRAQ SECURITY FORCES FUND**

4                   *(INCLUDING TRANSFER OF FUNDS)*

5                 *For the “Iraq Security Forces Fund”, \$5,700,000,000,*  
6                 *to remain available until September 30, 2006: Provided,*  
7                 *That such funds shall be available to the Secretary of De-*  
8                 *fense, notwithstanding any other provision of law, for the*  
9                 *purpose of allowing the Commander, Multi-National Secu-*  
10                 *rity Transition Command—Iraq, or the Secretary’s des-*  
11                 *ignee to provide assistance, with the concurrence of the Sec-*  
12                 *retary of State, to the security forces of Iraq including the*  
13                 *provision of equipment, supplies, services, training, facility*  
14                 *and infrastructure repair, renovation, and construction:*  
15                 *Provided further, That the authority to provide assistance*  
16                 *under this section is in addition to any other authority to*  
17                 *provide assistance to foreign nations: Provided further,*  
18                 *That the Secretary of Defense may transfer the funds pro-*  
19                 *vided herein to appropriations for military personnel; oper-*  
20                 *ation and maintenance; Overseas Humanitarian, Disaster,*  
21                 *and Civic Aid; procurement; research, development, test and*  
22                 *evaluation; and defense working capital funds to accom-*  
23                 *plish the purposes provided herein: Provided further, That*  
24                 *this transfer authority is in addition to any other transfer*  
25                 *authority available to the Department of Defense: Provided*

1 further, That upon a determination that all or part of the  
2 funds so transferred from this appropriation are not nec-  
3 essary for the purposes provided herein, such amounts may  
4 be transferred back to this appropriation: Provided further,  
5 That of the amounts provided under this heading,  
6 \$210,000,000 shall be transferred to "Operation and Main-  
7 tenance, Army" to reimburse the Department of the Army  
8 for costs incurred to train, equip, and provide related as-  
9 sistance to Iraqi security forces: Provided further, That con-  
10 tributions of funds for the purposes provided herein from  
11 any person, foreign government, or international organiza-  
12 tion may be credited to this Fund, and used for such pur-  
13 poses: Provided further, That the Secretary shall notify the  
14 congressional defense committees in writing upon the re-  
15 ceipt and upon the transfer of any contribution delineating  
16 the sources and amounts of the funds received and the spe-  
17 cific use of such contributions: Provided further, That, not-  
18 withstanding any other provision of law, from funds made  
19 available under this heading, \$99,000,000 shall be used to  
20 provide assistance to the Government of Jordan to establish  
21 a regional training center designed to provide comprehen-  
22 sive training programs for regional military and security  
23 forces and military and civilian officials, to enhance the  
24 capability of such forces and officials to respond to existing  
25 and emerging security threats in the region: Provided fur-

1   ther; That assistance authorized by the preceding proviso  
2   may include the provision of facilities, equipment, supplies,  
3   services and training: Provided further, That the Secretary  
4   of Defense shall, not fewer than 5 days prior to making  
5   transfers from this appropriation, notify the congressional  
6   defense committees in writing of the details of any such  
7   transfer: Provided further, That the Secretary shall submit  
8   a report no later than 30 days after the end of each fiscal  
9   quarter to the congressional defense committees summa-  
10 rizing the details of the transfer of funds from this appro-  
11 priation: Provided further, That the amount provided  
12 under this heading is designated as an emergency require-  
13 ment pursuant to section 402 of the conference report to  
14 accompany S. Con. Res. 95 (108th Congress).

15                          **PROCUREMENT**

16                          **AIRCRAFT PROCUREMENT, ARMY**

17       For an additional amount for “Aircraft Procurement,  
18 Army”, \$458,677,000, to remain available until September  
19 30, 2007: Provided, That the amount provided under this  
20 heading is designated as an emergency requirement pursu-  
21 ant to section 402 of the conference report to accompany  
22 S. Con. Res. 95 (108th Congress).

23                          **MISSILE PROCUREMENT, ARMY**

24       For an additional amount for “Missile Procurement,  
25 Army”, \$280,250,000, to remain available until September

1   30, 2007: *Provided, That the amount provided under this*  
2   *heading is designated as an emergency requirement pursu-*  
3   *ant to section 402 of the conference report to accompany*  
4   *S. Con. Res. 95 (108th Congress).*

5           ***PROCUREMENT OF WEAPONS AND TRACKED COMBAT***  
6                   ***VEHICLES, ARMY***

7       *For an additional amount for “Procurement of Weap-*  
8   *ons and Tracked Combat Vehicles, Army”, \$2,406,447,000,*  
9   *to remain available until September 30, 2007: Provided,*  
10   *That the amount provided under this heading is designated*  
11   *as an emergency requirement pursuant to section 402 of*  
12   *the conference report to accompany S. Con. Res. 95 (108th*  
13   *Congress).*

14           ***PROCUREMENT OF AMMUNITION, ARMY***

15       *For an additional amount for “Procurement of Am-*  
16   *munition, Army”, \$475,000,000, to remain available until*  
17   *September 30, 2007: Provided, That the amount provided*  
18   *under this heading is designated as an emergency require-*  
19   *ment pursuant to section 402 of the conference report to*  
20   *accompany S. Con. Res. 95 (108th Congress).*

21           ***OTHER PROCUREMENT, ARMY***

22       *For an additional amount for “Other Procurement,*  
23   *Army”, \$5,322,905,000, to remain available until Sep-*  
24   *tember 30, 2007: Provided, That the amount provided under*  
25   *this heading is designated as an emergency requirement*

1 pursuant to section 402 of the conference report to accom-  
2 pany S. Con. Res. 95 (108th Congress).

3                   **AIRCRAFT PROCUREMENT, NAVY**

4       For an additional amount for “Aircraft Procurement,  
5 Navy”, \$200,295,000, to remain available until September  
6 30, 2007: Provided, That the amount provided under this  
7 heading is designated as an emergency requirement pursu-  
8 ant to section 402 of the conference report to accompany  
9 S. Con. Res. 95 (108th Congress).

10                  **WEAPONS PROCUREMENT, NAVY**

11       For an additional amount for “Weapons Procurement,  
12 Navy”, \$66,000,000, to remain available until September  
13 30, 2007: Provided, That the amount provided under this  
14 heading is designated as an emergency requirement pursu-  
15 ant to section 402 of the conference report to accompany  
16 S. Con. Res. 95 (108th Congress).

17                  **PROCUREMENT OF AMMUNITION, NAVY AND MARINE**

18                   **CORPS**

19       For an additional amount for “Procurement of Am-  
20 munition, Navy and Marine Corps”, \$133,635,000, to re-  
21 main available until September 30, 2007: Provided, That  
22 the amount provided under this heading is designated as  
23 an emergency requirement pursuant to section 402 of the  
24 conference report to accompany S. Con. Res. 95 (108th Con-  
25 gress).

1                   *OTHER PROCUREMENT, NAVY*

2         *For an additional amount for “Other Procurement,*  
3     *Navy”, \$78,397,000, to remain available until September*  
4     *30, 2007: Provided, That the amount provided under this*  
5     *heading is designated as an emergency requirement pursu-*  
6     *ant to section 402 of the conference report to accompany*  
7     *S. Con. Res. 95 (108th Congress).*

8                   *PROCUREMENT, MARINE CORPS*

9         *For an additional amount for “Procurement, Marine*  
10    *Corps”, \$2,929,045,000, to remain available until Sep-*  
11    *tember 30, 2007: Provided, That the amount provided under*  
12    *this heading is designated as an emergency requirement*  
13    *pursuant to section 402 of the conference report to accom-*  
14    *pany S. Con. Res. 95 (108th Congress).*

15                  *AIRCRAFT PROCUREMENT, AIR FORCE*

16         *For an additional amount for “Aircraft Procurement,*  
17    *Air Force”, \$269,309,000, to remain available until Sep-*  
18    *tember 30, 2007: Provided, That the amount provided under*  
19    *this heading is designated as an emergency requirement*  
20    *pursuant to section 402 of the conference report to accom-*  
21    *pany S. Con. Res. 95 (108th Congress).*

22                  *PROCUREMENT OF AMMUNITION, AIR FORCE*

23         *For an additional amount for “Procurement of Am-*  
24    *munition, Air Force”, \$6,998,000, to remain available until*  
25    *September 30, 2007: Provided, That the amount provided*

1 under this heading is designated as an emergency require-  
2 ment pursuant to section 402 of the conference report to  
3 accompany S. Con. Res. 95 (108th Congress).

4                   ***OTHER PROCUREMENT, AIR FORCE***

5         *For an additional amount for “Other Procurement,*  
6 *Air Force”, \$2,653,760,000, to remain available until Sep-*  
7 *tember 30, 2007: Provided, That the amount provided under*  
8 *this heading is designated as an emergency requirement*  
9 *pursuant to section 402 of the conference report to accom-*  
10 *pany S. Con. Res. 95 (108th Congress).*

11                   ***PROCUREMENT, DEFENSE-WIDE***

12         *For an additional amount for “Procurement, Defense-*  
13 *Wide”, \$591,327,000, to remain available until September*  
14 *30, 2007: Provided, That the amount provided under this*  
15 *heading is designated as an emergency requirement pursu-*  
16 *ant to section 402 of the conference report to accompany*  
17 *S. Con. Res. 95 (108th Congress).*

18                   ***RESEARCH, DEVELOPMENT, TEST AND***

19                   ***EVALUATION***

20                   ***RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY***

21         *For an additional amount for “Research, Develop-*  
22 *ment, Test and Evaluation, Army”, \$37,170,000, to remain*  
23 *available until September 30, 2006: Provided, That the*  
24 *amount provided under this heading is designated as an*  
25 *emergency requirement pursuant to section 402 of the con-*

1 conference report to accompany S. Con. Res. 95 (108th Con-  
2 gress).

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY  
4 For an additional amount for “Research, Develop-  
5 ment, Test and Evaluation, Navy”, \$179,051,000, to re-  
6 main available until September 30, 2006: Provided, That  
7 the amount provided under this heading is designated as  
8 an emergency requirement pursuant to section 402 of the  
9 conference report to accompany S. Con. Res. 95 (108th Con-  
10 gress).

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

13 For an additional amount for “Research, Develop-  
14 ment, Test and Evaluation, Air Force”, \$132,540,000, to  
15 remain available until September 30, 2006: Provided, That  
16 the amount provided under this heading is designated as  
17 an emergency requirement pursuant to section 402 of the  
18 conference report to accompany S. Con. Res. 95 (108th Con-  
19 gress).

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
21 DEFENSE-WIDE

22 For an additional amount for “Research, Develop-  
23 ment, Test and Evaluation, Defense-Wide”, \$203,561,000,  
24 to remain available until September 30, 2006: Provided,  
25 That the amount provided under this heading is designated

1 as an emergency requirement pursuant to section 402 of  
2 the conference report to accompany S. Con. Res. 95 (108th  
3 Congress).

4           ***REVOLVING AND MANAGEMENT FUNDS***

5           ***DEFENSE WORKING CAPITAL FUNDS***

6       *For an additional amount for “Defense Working Cap-*  
7 *ital Funds”, \$1,311,300,000: Provided, That the amount*  
8 *provided under this heading is designated as an emergency*  
9 *requirement pursuant to section 402 of the conference report*  
10 *to accompany S. Con. Res. 95 (108th Congress).*

11           ***NATIONAL DEFENSE SEALIFT FUND***

12       *For an additional amount for “National Defense Sea-*  
13 *lift Fund”, \$32,400,000, to remain available until ex-*  
14 *pended: Provided, That the amount provided under this*  
15 *heading is designated as an emergency requirement pursu-*  
16 *ant to section 402 of the conference report to accompany*  
17 *S. Con. Res. 95 (108th Congress).*

18           ***OTHER DEPARTMENT OF DEFENSE PROGRAMS***

19           ***DEFENSE HEALTH PROGRAM***

20       *For an additional amount for “Defense Health Pro-*  
21 *gram”, \$225,550,000 for Operation and maintenance: Pro-*  
22 *vided, That the amount provided under this heading is des-*  
23 *gnated as an emergency requirement pursuant to section*  
24 *402 of the conference report to accompany S. Con. Res. 95*  
25 *(108th Congress).*

## *1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

DEFENSE

### **3 (INCLUDING TRANSFER OF FUNDS)**

4       For an additional amount for “Drug Interdiction and  
5 Counter-Drug Activities, Defense”, \$227,000,000: Provided,  
6 That these funds may be used only for such activities related  
7 to Afghanistan and Pakistan: Provided further, That the  
8 Secretary of Defense may transfer the funds provided herein  
9 only to appropriations for military personnel; operation  
10 and maintenance; and procurement: Provided further, That  
11 the funds transferred shall be merged with and be available  
12 for the same purposes and for the same time period, as the  
13 appropriation to which transferred: Provided further, That  
14 the transfer authority provided in this paragraph is in ad-  
15 dition to any other transfer authority available to the De-  
16 partment of Defense: Provided further, That upon a deter-  
17 mination that all or part of the funds transferred from this  
18 appropriation are not necessary for the purposes provided  
19 herein, such amounts may be transferred back to this appro-  
20 priation: Provided further, That the amount provided  
21 under this heading is designated as an emergency require-  
22 ment pursuant to section 402 of the conference report to  
23 accompany S. Con. Res. 95 (108th Congress).

1           *OFFICE OF THE INSPECTOR GENERAL*

2       *For an additional amount for “Office of the Inspector*  
3   *General”, \$148,000: Provided, That the amount provided*  
4   *under this heading is designated as an emergency require-*  
5   *ment pursuant to section 402 of the conference report to*  
6   *accompany S. Con. Res. 95 (108th Congress).*

7           *RELATED AGENCY*8           *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

9       *For an additional amount for “Intelligence Commu-*  
10   *nity Management Account”, \$250,300,000, of which*  
11   *\$181,000,000 is to remain available until September 30,*  
12   *2006: Provided, That the amounts provided under this*  
13   *heading are designated as an emergency requirement pursu-*  
14   *ant to section 402 of the conference report to accompany*  
15   *S. Con. Res. 95 (108th Congress).*

16           *GENERAL PROVISIONS, THIS CHAPTER*17           *SPECIAL TRANSFER AUTHORITY*18           *(TRANSFER OF FUNDS)*

19       *SEC. 1101. Upon his determination that such action*  
20   *is necessary in the national interest, the Secretary of De-*  
21   *fense may transfer between appropriations up to*  
22   *\$2,000,000,000 of the funds made available to the Depart-*  
23   *ment of Defense in this Act: Provided, That the Secretary*  
24   *shall notify the Congress promptly of each transfer made*  
25   *pursuant to this authority: Provided further, That the*  
26   *transfer authority provided in this section is in addition*

1 *to any other transfer authority available to the Department*  
2 *of Defense: Provided further, That the authority in this sec-*  
3 *tion is subject to the same terms and conditions as the au-*  
4 *thority provided in section 8005 of the Department of De-*  
5 *fense Appropriations Act, 2005, except for the fourth pro-*  
6 *viso: Provided further, That the amount made available by*  
7 *the transfer of funds in or pursuant to this section is des-*  
8 *gnated as an emergency requirement pursuant to section*  
9 *402 of the conference report to accompany S. Con. Res. 95*  
10 *(108th Congress).*

11                   GENERAL TRANSFER AUTHORITY

12                   (TRANSFER OF FUNDS)

13        SEC. 1102. *Section 8005 of the Department of Defense*  
14 *Appropriations Act, 2005 (Public Law 108–287; 118 Stat.*  
15 *969), is amended by striking “\$3,500,000,000” and insert-*  
16 *ing in lieu thereof “\$5,685,000,000”: Provided, That the*  
17 *amount made available by the transfer of funds in or pursu-*  
18 *ant to this section is designated as an emergency require-*  
19 *ment pursuant to section 402 of the conference report to*  
20 *accompany S. Con. Res. 95 (108th Congress).*

21                   COUNTER-DRUG ACTIVITIES

22        SEC. 1103. (a) AUTHORITY TO PROVIDE SUPPORT.—  
23 *Of the amount appropriated under the heading, “Drug*  
24 *Interdiction and Counter-Drug Activities, Defense” in this*  
25 *Act, not to exceed \$40,000,000 may be made available for*  
26 *the provision of support for counter-drug activities of the*

1   *Governments of Afghanistan and Pakistan: Provided, That*  
2   *such support shall be provided in addition to support pro-*  
3   *vided for the counter-drug activities of said Government*  
4   *under any other provision of law.*

5           *(b) TYPES OF SUPPORT.—*

6           *(1) Except as specified in subsections (b)(2) and*  
7           *(b)(3) of this section, the support that may be pro-*  
8           *vided under the authority in this section shall be lim-*  
9           *ited to the types of support specified in section*  
10          *1033(c)(1) of the National Defense Authorization Act*  
11          *for Fiscal Year 1998 (Public Law 105–85, as amend-*  
12          *ed by Public Law 106–398 and Public Law 108–136)*  
13          *and conditions on the provision of support as con-*  
14          *tained in section 1033 shall apply for fiscal year*  
15          *2005.*

16           *(2) The Secretary of Defense may transfer vehi-*  
17           *cles, aircraft, and detection, interception, monitoring*  
18           *and testing equipment to said Governments for*  
19           *counter-drug activities.*

20           *(3) For the Governments of Afghanistan and*  
21           *Pakistan, the Secretary of Defense may also provide*  
22           *individual and crew-served weapons, and ammu-*  
23           *nition for counter-drug security forces.*

24           **EXTRAORDINARY AND EMERGENCY EXPENSES**

25          *SEC. 1104. Under the heading, “Operation and Main-*  
26          *tenance, Defense-Wide”, in title II of the Department of De-*

1 *fense Appropriations Act, 2005 (Public Law 108–287),*  
2 *strike “\$32,000,000” and insert “\$43,000,000”.*

3                   ***ADVANCE BILLING***

4       *SEC. 1105. Notwithstanding section 2208(l) of title 10,*  
5 *United States Code, during the current fiscal year working*  
6 *capital funds of the Department of Defense may utilize ad-*  
7 *vance billing in a total amount not to exceed*  
8 *\$1,500,000,000.*

9                   ***WEAPONS PURCHASE AND DISPOSAL***

10      *SEC. 1106. Notwithstanding any other provision of*  
11 *law, from funds made available in this Act to the Depart-*  
12 *ment of Defense under “Operation and Maintenance, De-*  
13 *fense-Wide”, not to exceed \$10,000,000 may be used to pur-*  
14 *chase and dispose of weapons from any person, foreign gov-*  
15 *ernment, international organization or other entity, for the*  
16 *purpose of protecting U.S. forces overseas: Provided, That*  
17 *the Secretary of Defense shall provide quarterly reports to*  
18 *the congressional defense committees regarding the purchase*  
19 *and disposal of weapons under this section.*

20      ***COMMANDER’S EMERGENCY RESPONSE PROGRAM***

21      *SEC. 1107. Section 1201(a) of the Ronald W. Reagan*  
22 *National Defense Authorization Act for Fiscal Year 2005*  
23 *(Public Law 108–375), as amended by section 102, title I,*  
24 *division J, Consolidated Appropriations Act, 2005 (Public*  
25 *Law 108–447), is further amended by striking*  
26 *“\$500,000,000” and inserting “\$854,000,000”.*

1                   *CLASSIFIED PROGRAM*

2        *SEC. 1108. Section 8090(b) of the Department of De-*  
3        *fense Appropriations Act, 2005 (Public Law 108–287), is*  
4        *amended by striking “\$185,000,000” and inserting*  
5        *“\$210,000,000”.*

6                   *OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE*

7        *SEC. 1109. Section 1096(b) of the Intelligence Reform*  
8        *and Terrorism Prevention Act of 2004 (Public Law 108–*  
9        *458), is amended—*

10                 *(1) by striking “in the fiscal year after the effec-*  
11        *tive date of this Act” and inserting in lieu thereof “in*  
12        *the fiscal years 2005 and 2006”; and*

13                 *(2) in paragraph (1) by striking “500 new per-*  
14        *sonnel billets” and inserting in lieu thereof “the total*  
15        *of 500 new personnel positions”.*

16        *SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL*  
17        *EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNI-*  
18        *FORMED SERVICES OR NATIONAL GUARD. (a) SHORT*  
19        *TITLE.—This section may be cited as the “Reservists Pay*  
20        *Security Act of 2005”.*

21                 *(b) IN GENERAL.—Subchapter IV of chapter 55 of title*  
22        *5, United States Code, is amended by adding at the end*  
23        *the following:*

1    “§5538. Nonreduction in pay while serving in the uni-  
2                          *formed services or National Guard*

3       “(a) An employee who is absent from a position of em-  
4 ployment with the Federal Government in order to perform  
5 active duty in the uniformed services pursuant to a call  
6 or order to active duty under a provision of law referred  
7 to in section 101(a)(13)(B) of title 10 shall be entitled, while  
8 serving on active duty, to receive, for each pay period de-  
9 scribed in subsection (b), an amount equal to the amount  
10 by which—

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

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

18                         “(A) is payable to such employee for that  
19                         service; and

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

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

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with

1 respect to the position from which such employee is  
2 absent (as referred to in subsection (a)); and

3       “(B) for which such employee does not otherwise  
4 receive basic pay (including by taking any annual,  
5 military, or other paid leave) to which such employee  
6 is entitled by virtue of such employee’s civilian em-  
7 ployment with the Government.

8       “(2) For purposes of this section, the period during  
9 which an employee is entitled to reemployment rights under  
10 chapter 43 of title 38—

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

13       “(B) shall include any period of time specified  
14 in section 4312(e) of title 38 within which an em-  
15 ployee may report or apply for employment or reem-  
16 ployment following completion of service on active  
17 duty to which called or ordered as described in sub-  
18 section (a).

19       “(c) Any amount payable under this section to an em-  
20 ployee shall be paid—

21       “(1) by such employee’s employing agency;

22       “(2) from the appropriation or fund which  
23 would be used to pay the employee if such employee  
24 were in a pay status; and

1           “(3) to the extent practicable, at the same time  
2       and in the same manner as would basic pay if such  
3       employee’s civilian employment had not been inter-  
4       rupted.

5           “(d) The Office of Personnel Management shall, in con-  
6       sultation with Secretary of Defense, prescribe any regula-  
7       tions necessary to carry out the preceding provisions of this  
8       section.

9           “(e)(1) The head of each agency referred to in section  
10      2302(a)(2)(C)(ii) shall, in consultation with the Office, pre-  
11      scribe procedures to ensure that the rights under this section  
12      apply to the employees of such agency.

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

17           “(f) For purposes of this section—

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

21           “(2) the term ‘employing agency’, as used with  
22       respect to an employee entitled to any payments  
23       under this section, means the agency or other entity  
24       of the Government (including an agency referred to in  
25       section 2302(a)(2)(C)(ii)) with respect to which such

1       *employee has reemployment rights under chapter 43*  
2       *of title 38; and*

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

5       *(c) CLERICAL AMENDMENT.—The table of sections for*  
6       *chapter 55 of title 5, United States Code, is amended by*  
7       *inserting after the item relating to section 5537 the fol-*  
8       *lowing:*

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

9       *(d) EFFECTIVE DATE.—The amendments made by this*  
10      *section shall apply with respect to pay periods (as described*  
11      *in section 5538(b) of title 5, United States Code, as amend-*  
12      *ed by this section) beginning on or after the date of enact-*  
13      *ment of this Act.*

14                          RESERVE AFFILIATION BONUS

15       *SEC. 1111. Notwithstanding subsection (c) of section*  
16      *308e of title 37, United States Code, the maximum amount*  
17      *of the bonus paid to a member of the Armed Forces pursu-*  
18      *ant to a reserve affiliation agreement entered into under*  
19      *such section during fiscal year 2005 shall not exceed*  
20      *\$10,000, and the Secretary of Defense and the Secretary*  
21      *of Homeland Security, with respect to the Coast Guard,*  
22      *may prescribe regulations under subsection (f) of such sec-*  
23      *tion to modify the method by which bonus payments are*

1   *made under reserve affiliation agreements entered into dur-*  
2   *ing such fiscal year.*

3                 *SERVICEMEMBERS' GROUP LIFE INSURANCE*

4         *SEC. 1112. SERVICEMEMBERS' GROUP LIFE INSUR-*  
5   *ANCE ENHANCEMENTS. (a) INCREASED MAXIMUM AMOUNT*  
6   *UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Sec-*

7   *tion 1967 of title 38, United States Code, is amended—*

8                 *(1) in subsection (a)(3)(A), by striking clause (i)*  
9                 *and inserting the following new clause:*

10                 *"(i) In the case of a member—*

11                 *"(I) \$400,000 or such lesser amount as the*  
12                 *member may elect;*

13                 *"(II) in the case of a member covered by*  
14                 *subsection (e), the amount provided for or elected*  
15                 *by the member under subclause (I) plus the addi-*  
16                 *tional amount of insurance provided for the*  
17                 *member by subsection (e); or*

18                 *"(III) in the case of a member covered by*  
19                 *subsection (e) who has made an election under*  
20                 *paragraph (2)(A) not to be insured under this*  
21                 *subchapter, the amount of insurance provided for*  
22                 *the member by subsection (e)."; and*

23                 *(2) in subsection (d), by striking "\$250,000" and*  
24                 *inserting "\$400,000".*

25                 *(b) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN*

26   *CERTAIN AREAS OR OPERATIONS.—*

1                   (1) *INCREASED AMOUNT.*—Section 1967 of such  
2       title is further amended—

3                   (A) by redesignating subsection (e) as sub-  
4       section (f); and

5                   (B) by inserting after subsection (d) the fol-  
6       lowing new subsection (e):

7                   “(e)(1) A member covered by this subsection is any  
8       member as follows:

9                   “(A) Any member who dies as a result of one or  
10      more wounds, injuries, or illnesses incurred while  
11      serving in an operation or area that the Secretary  
12      designates, in writing, as a combat operation or a  
13      zone of combat, respectively, for purposes of this sub-  
14      section.

15                   “(B) Any member who formerly served in an op-  
16      eration or area so designated and whose death is de-  
17      termined (under regulations prescribed by the Sec-  
18      retary of Defense) to be the direct result of injury or  
19      illness incurred or aggravated while so serving.

20                   “(2) The additional amount of insurance under this  
21      subchapter that is provided for a member by this subsection  
22      is \$150,000, except that in a case in which the amount pro-  
23      vided for or elected by the member under subclause (I) of  
24      subsection (a)(3)(A) exceeds \$250,000, the additional  
25      amount of insurance under this subchapter that is provided

1 for the member by this subsection shall be reduced to such  
2 amount as is necessary to comply with the limitation in  
3 paragraph (3).

4 "(3) The total amount of insurance payable for a mem-  
5 ber under this subchapter may not exceed \$400,000.

6 "(4) While a member is serving in an operation or  
7 area designated as described in paragraph (1), the cost of  
8 insurance of the member under this subchapter that is at-  
9 tributable to \$150,000 of insurance coverage shall be con-  
10 tributed as provided in section 1969(b)(2) of this title and  
11 may not be deducted or withheld from the member's pay."

12 (2) FUNDING.—Section 1969(b) of such title is  
13 amended—

14 (A) by inserting "(1)" after "(b)"; and  
15 (B) by adding at the end the following new  
16 paragraph:

17 "(2) For each month for which a member insured  
18 under this subchapter is serving in an operation or area  
19 designated as described by paragraph (1)(A) of section  
20 1967(e) of this title, there shall be contributed from the ap-  
21 propriation made for active duty pay of the uniformed serv-  
22 ice concerned an amount determined by the Secretary and  
23 certified to the Secretary concerned to be the cost of  
24 Servicemembers' Group Life Insurance which is traceable

1 to the cost of providing insurance for the member under  
2 section 1967 of this title in the amount of \$150,000.”.

3 (c) CONFORMING AMENDMENT.—Section  
4 1967(a)(2)(A) of such title is amended by inserting before  
5 the period at the end the following: “, except for insurance  
6 provided under paragraph (3)(A)(i)(III)”.

7 (d) COORDINATION WITH VGLI.—Section 1977(a) of  
8 such title is amended—

9 (1) by striking “\$250,000” each place it appears  
10 and inserting “\$400,000”; and

11 (2) by adding at the end of paragraph (1) the  
12 following new sentence: “Any additional amount of  
13 insurance provided a member under section 1967(e)  
14 of this title may not be treated as an amount for  
15 which Veterans’ Group Life Insurance shall be issued  
16 under this section.”.

17 (e) REQUIREMENTS REGARDING ELECTIONS OF MEM-  
18 BERS TO REDUCE OR DECLINE INSURANCE.—Section  
19 1967(a) of such title is further amended—

20 (1) in paragraph (2), by adding at the end the  
21 following new subparagraph:

22 “(C) Pursuant to regulations prescribed by the Sec-  
23 retary of Defense, notice of an election of a member not to  
24 be insured under this subchapter, or to be insured under  
25 this subchapter in an amount less than the maximum

1 amount provided under paragraph (3)(A)(i)(I), shall be  
2 provided to the spouse of the member.”; and

3 (2) in paragraph (3)—

4 (A) in the matter preceding clause (i), by  
5 striking “and (C)” and inserting “, (C), and  
6 (D); and

7 (B) by adding at the end the following new  
8 subparagraphs:

9 “(D) A member with a spouse may not elect not to  
10 be insured under this subchapter, or to be insured under  
11 this subchapter in an amount less than the maximum  
12 amount provided under subparagraph (A)(i)(I), without the  
13 written consent of the spouse.”.

14 (f) REQUIREMENT REGARDING REDESIGNATION OF  
15 BENEFICIARIES.—Section 1970 of such title is amended by  
16 adding at the end the following new subsection:

17 “(j) A member with a spouse may not modify the bene-  
18 ficiary or beneficiaries designated by the member under  
19 subsection (a) without the written consent of the spouse.”.

20 (g) EFFECTIVE DATE.—This section and the amend-  
21 ments made by this section shall take effect on the first day  
22 of the first month that begins more than 90 days after the  
23 date of the enactment of this Act.

24 (h) TERMINATION.—The amendments made by this  
25 section shall terminate on September 30, 2005. Effective on

1   October 1, 2005, the provisions of sections 1967, 1969, 1970,  
2   and 1977 of title 38, United States Code, as in effect on  
3   the date before the date of the enactment of this Act shall  
4   be revived.

5                                  DEATH GRATUITY

6   SEC. 1113. (a) INCREASE IN DEATH GRATUITY.—

7                                  (1) AMOUNT.—Section 1478(a) of title 10,  
8   United States Code, is amended by striking  
9   “\$12,000” and inserting “\$100,000”.

10                                 (2) EFFECTIVE DATE.—The amendments made  
11   by this subsection shall take effect on October 7, 2001,  
12   and shall apply with respect to deaths occurring on  
13   or after that date.

14                                 (3) NO ADJUSTMENT FOR INCREASES IN BASIC  
15   PAY BEFORE DATE OF ENACTMENT.—No adjustment  
16   shall be made under subsection (c) of section 1478 of  
17   title 10, United States Code, with respect to the  
18   amount in force under subsection (a) of that section,  
19   as amended by paragraph (1), for any period before  
20   the date of the enactment of this Act.

21                                 (4) PAYMENT FOR DEATHS BEFORE DATE OF EN-  
22   ACTMENT.—Any additional amount payable as a  
23   death gratuity under this subsection for the death of  
24   a member of the Armed Forces before the date of the  
25   enactment of this Act shall be paid to the eligible sur-  
26   vivor of the member previously paid a death gratuity

1       *under section 1478 of title 10, United States Code, for*  
2       *the death of the member. If payment cannot be made*  
3       *to such survivor, payment of such amount shall be*  
4       *made to living survivor of the member otherwise high-*  
5       *est on the list under 1477(a) of title 10, United States*  
6       *Code.*

7       *(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EF-*  
8       *EFFECTIVE DATE.—*

9           *(1) REQUIREMENT TO PAY ADDITIONAL GRA-*  
10          *TUITY.—*

11           *(A) In the case of a member of the Armed*  
12          *Forces described in subparagraph (B), the Sec-*  
13          *retary of the military department concerned*  
14          *shall pay a death gratuity in accordance with*  
15          *this subsection that is in addition to the death*  
16          *gratuity payable in the case of such death under*  
17          *sections 1475 through 1477 of title 10, United*  
18          *States Code.*

19           *(B) The requirements of this subsection*  
20          *apply in the case of a member of the Armed*  
21          *Forces who died before the date of the enactment*  
22          *of this Act as a direct result of one or more*  
23          *wounds, injuries, or illnesses that—*

1                             (i) were incurred in the theater of op-  
2                             erations of Operation Enduring Freedom or  
3                             Operation Iraqi Freedom; or

4                             (ii) were incurred as described in sec-  
5                             tion 1413a(e)(2) of title 10, United States  
6                             Code, on or after October 7, 2001.

7                             (2) *AMOUNT.*—The amount of the additional  
8                             death gratuity is \$150,000.

9                             (3) *BENEFICIARIES.*—The beneficiary or bene-  
10                             ficiaries who are entitled under section 1477 of title  
11                             10, United States Code, to receive payment of the reg-  
12                             ular military death gratuity in the case of the death  
13                             of a member referred to in paragraph (2) shall be en-  
14                             titled to receive the additional death gratuity payable  
15                             in such case. If there are two or more such bene-  
16                             ficiaries, the portion of the total amount of the addi-  
17                             tional death gratuity payable to a beneficiary in such  
18                             case shall be the amount that bears the same ratio to  
19                             the total amount of the additional death gratuity  
20                             under paragraph (2) as the amount of the share of the  
21                             regular military death gratuity payable to that bene-  
22                             ficiary bears to the total amount of the regular mili-  
23                             tary death gratuity payable to all such beneficiaries  
24                             in such case.

25                             (4) *DEFINITIONS.*—In this subsection:

1                   (A) The term “additional death gratuity”  
2                   means the death gratuity provided under para-  
3                   graph (1).

4                   (B) The term “regular military death gra-  
5                   tuity”, means a death gratuity payable under  
6                   sections 1475 through 1477 of title 10 United  
7                   States Code.

8                  SEC. 1114. RENAMING OF DEATH GRATUITY PAYABLE  
9                  FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS  
10                 FALLEN HERO COMPENSATION. (a) IN GENERAL.—Sub-  
11                 chapter II of chapter 75 of title 10, United States Code,  
12                 is amended as follows:

13                 (1) In section 1475(a), by striking “have a death  
14                 gratuity paid” and inserting “have fallen hero com-  
15                 pensation paid”.

16                 (2) In section 1476(a)—

17                   (A) in paragraph (1), by striking “a death  
18                 gratuity” and inserting “fallen hero compensa-  
19                 tion”; and

20                   (B) in paragraph (2), by striking “A death  
21                 gratuity” and inserting “Fallen hero compensa-  
22                 tion”.

23                 (3) In section 1477(a), by striking “A death gra-  
24                 tuity” and inserting “Fallen hero compensation”.

1                   (4) In section 1478(a), by striking “The death  
2                   gratuity” and inserting “The amount of fallen hero  
3                   compensation”.

4                   (5) In section 1479(1), by striking “the death  
5                   gratuity” and inserting “fallen hero compensation”.

6                   (6) In section 1489—

7                   (A) in subsection (a), by striking “a gra-  
8                   tuity” in the matter preceding paragraph (1)  
9                   and inserting “fallen hero compensation”; and

10                  (B) in subsection (b)(2), by inserting “or  
11                  other assistance” after “lesser death gratuity”.

12                  (b) CLERICAL AMENDMENTS.—(1) Such subchapter is  
13 further amended by striking “**Death gratuity:**” each  
14 place it appears in the heading of sections 1475 through  
15 1480 and 1489 and inserting “**Fallen hero compensa-**  
16 **tion:**”.

17                  (2) The table of sections at the beginning of such sub-  
18 chapter is amended by striking “Death gratuity:” in the  
19 items relating to sections 1474 through 1480 and 1489 and  
20 inserting “Fallen hero compensation:”.

21                  (c) GENERAL REFERENCES.—Any reference to a death  
22 gratuity payable under subchapter II of chapter 75 of title  
23 10, United States Code, in any law, regulation, document,  
24 paper, or other record of the United States shall be deemed

1   *to be a reference to fallen hero compensation payable under*  
2   *such subchapter, as amended by this section.*

3                  **INTELLIGENCE ACTIVITIES AUTHORIZATION**

4       *SEC. 1115. Funds appropriated in this Act, or made*  
5   *available by the transfer of funds in or pursuant to this*  
6   *Act, for intelligence activities are deemed to be specifically*  
7   *authorized by the Congress for purposes of section 504 of*  
8   *the National Security Act of 1947 (50 U.S.C. 414).*

9                  **PROHIBITION OF NEW START PROGRAMS**

10      *SEC. 1116. (a) None of the funds provided in this chap-*  
11   *ter may be used to finance programs or activities denied*  
12   *by Congress in fiscal year 2005 appropriations to the De-*  
13   *partment of Defense or to initiate a procurement or re-*  
14   *search, development, test and evaluation new start program*  
15   *without prior notification to the congressional defense com-*  
16   *mittees.*

17      *(b) Notwithstanding subsection (a) of this section, the*  
18   *Department of the Army may use funds made available in*  
19   *this Act under the heading, "Procurement of Ammunition,*  
20   *Army" to procure ammunition and accessories therefor that*  
21   *have a standard-type classification, under Army regula-*  
22   *tions pertaining to the acceptability of materiel for use, and*  
23   *that are the same as other ammunition and accessories*  
24   *therefor that have been procured with funds made available*  
25   *under such heading in past appropriations Acts for the De-*  
26   *partment of Defense, only for 25 mm high explosive rounds*

1 for M2 Bradley Fighting Vehicles, 120 mm multi-purpose  
2 anti-tank and obstacle reduction rounds for M1 Abrams  
3 tanks, L410 aircraft countermeasure flares, 81 mm mortar  
4 red phosphorous smoke rounds, MD73 impulse cartridge for  
5 aircraft flares, and 20 mm high explosive rounds for C-  
6 RAM, whose stocks have been depleted and must be replen-  
7 ished for continuing operations of the Department of the  
8 Army.

9                   CHEMICAL WEAPONS DEMILITARIZATION

10         SEC. 1117. (a)(1) Notwithstanding section 917 of Pub-  
11 lic Law 97–86, as amended, of the funds appropriated or  
12 otherwise made available by the Department of Defense Ap-  
13 propriations Act, 2005 (Public Law 108–287), the Military  
14 Construction Appropriations and Emergency Hurricane  
15 Supplemental Appropriations Act, 2005 (Public Law 108–  
16 324), and other Acts for the purpose of the destruction of  
17 the United States stockpile of lethal chemical agents and  
18 munitions at Blue Grass Army Depot, Kentucky, and Pueb-  
19 lo Chemical Depot, Colorado, that had not been obligated  
20 as of March 15, 2005, shall remain available for obligation  
21 solely for such purpose and shall be made available not later  
22 than 30 days after the date of the enactment of this Act  
23 to the Program Manager for Assembled Chemical Weapons  
24 Alternatives for activities related to such purpose at Blue  
25 Grass Army Depot, Kentucky, and Pueblo Chemical Depot,  
26 Colorado.

1       (2) *The amount of funds appropriated or otherwise  
2 made available by the Department of Defense Appropria-  
3 tions Act, 2005, the Military Construction Appropriations  
4 and Emergency Hurricane Supplemental Appropriations  
5 Act, 2005, and other Acts for the purpose of the destruction  
6 of the United States stockpile of lethal chemical agents and  
7 munitions at Blue Grass Army Depot, Kentucky, and Pueb-  
8 lo Chemical Depot, Colorado, that had not been obligated  
9 or expended as of March 15, 2005, is \$372,280,000.*

10     (3) *Of the funds made available to the Program Man-  
11 ager under paragraph (1), not less than \$100,000,000 shall  
12 be obligated by the Program Manager not later than 120  
13 days after the date of the enactment of this Act.*

14     (b)(1) *Notwithstanding section 917 of Public Law 97–  
15 86, as amended, none of the funds appropriated or other-  
16 wise made available by the Department of Defense Appro-  
17 priations Act, 2005, the Military Construction Appropria-  
18 tions and Emergency Hurricane Supplemental Appropria-  
19 tions Act, 2005, and other Acts for the purpose of the de-  
20 struction of the United States stockpile of lethal chemical  
21 agents and munitions at Blue Grass Army Depot, Ken-  
22 tucky, and Pueblo Chemical Depot, Colorado, may be  
23 deobligated, transferred, or reprogrammed out of the Assem-  
24 bled Chemical Weapons Alternatives Program.*

1       (2) *The amount appropriated or otherwise made avail-*  
2 *able by the Department of Defense Appropriations Act,*  
3 *2005, the Military Construction Appropriations and Emer-*  
4 *gency Hurricane Supplemental Appropriations Act, 2005,*  
5 *and other Acts for the purpose of the destruction of the*  
6 *United States stockpile of lethal chemical agents and muni-*  
7 *tions at Blue Grass Army Depot, Kentucky, and Pueblo*  
8 *Chemical Depot, Colorado, is \$813,440,000.*

9       (c) *No funds appropriated or otherwise made available*  
10 *to the Secretary of Defense under this Act or any other Act*  
11 *may be obligated or expended to finance directly or indi-*  
12 *rectly any study related to the transportation of chemical*  
13 *weapons across State lines.*

14           **PHILADELPHIA REGIONAL PORT AUTHORITY**

15       SEC. 1118. *Section 115 of division H of Public Law*  
16 *108–199 is amended by striking all after “made available”*  
17 *and substituting “, notwithstanding section 2218(c)(1) of*  
18 *title 10, United States Code, for a grant to Philadelphia*  
19 *Regional Port Authority, to be used solely for the purpose*  
20 *of construction, by and for a Philadelphia-based company*  
21 *established to operate high-speed, advanced-design vessels*  
22 *for the transport of high-value, time-sensitive cargoes in the*  
23 *foreign commerce of the United States, of a marine cargo*  
24 *terminal and IT network for high-speed commercial vessels*  
25 *that is capable of supporting military sealift require-*  
26 *ments.”.*

1        *CONTINUITY OF GOVERNMENT TRANSPORTATION*

2        *SEC. 1119. Notwithstanding any other provision of the*  
3        *law, to facilitate the continuity of Government, during fis-*  
4        *cal year 2005, no more than 11 officers and employees of*  
5        *the Executive Office of the President may be transported*  
6        *between their residence and place of employment on pas-*  
7        *senger carriers owned or leased by the Federal Government.*

8            *LPD-17 COST ADJUSTMENT*9            *(TRANSFER OF FUNDS)*

10        *SEC. 1120. Upon enactment of this Act, the Secretary*  
11        *of Defense shall make the following transfer of funds: Pro-*  
12        *vided, That funds so transferred shall be merged with and*  
13        *shall be available for the same purpose and for the same*  
14        *time period as the appropriation to which transferred: Pro-*  
15        *vided further, That the amounts shall be transferred between*  
16        *the following appropriations in the amounts specified:*

17            *From:*

18            *Under the heading, “Shipbuilding and Con-*  
19        *version, Navy, 2005/2009”:*

20            *LCU (X), \$19,000,000;*

21            *To:*

22            *Under the heading, “Shipbuilding and Con-*  
23        *version, Navy, 1996/2008”:*

24            *LPD-17, \$19,000,000;*

25        *Provided further, That the amount made available by the*  
26        *transfer of funds in or pursuant to this section is designated*

1 as an emergency requirement pursuant to section 402 of  
2 the conference report to accompany S. Con. Res. 95 (108th  
3 Congress).

4 **PROHIBITION ON COMPETITION OF THE NEXT GENERATION**

5 **DESTROYER (DD(X))**

6 SEC. 1121. (a) No funds appropriated or otherwise  
7 made available by this Act, or by any other Act, may be  
8 obligated or expended to prepare for, conduct, or implement  
9 a strategy for the acquisition of the next generation de-  
10 stroyer (DD(X)) program through a winner-take-all strat-  
11 egy.

12 (b) **WINNER-TAKE-ALL STRATEGY DEFINED.**—In this  
13 section, the term “winner-take-all strategy”, with respect to  
14 the acquisition of destroyers under the next generation de-  
15 stroyer program, means the acquisition (including design  
16 and construction) of such destroyers through a single ship-  
17 yard.

18 **CIVILIAN PAY**

19 SEC. 1122. None of the funds appropriated to the De-  
20 partment of Defense by this Act or any other Act for fiscal  
21 year 2005 or any other fiscal year may be expended for  
22 any pay raise granted on or after January 1, 2005 that  
23 is implemented in a manner that provides a greater in-  
24 crease for non-career employees than for career employees  
25 on the basis of their status as career or non-career employ-  
26 ees, unless specifically authorized by law: Provided, That

1 *this provision shall be implemented for fiscal year 2005*  
2 *without regard to the requirements of section 5383 of title*  
3 *5, United States Code: Provided further, That no employee*  
4 *of the Department of Defense shall have his or her pay re-*  
5 *duced for the purpose of complying with the requirements*  
6 *of this provision.*

7 **INDUSTRIAL MOBILIZATION CAPACITY**

8 *SEC. 1123. Of the amounts appropriated or otherwise*  
9 *made available by the Department of Defense Appropria-*  
10 *tions Act, 2005, \$12,500,000 shall be available only for in-*  
11 *dustrial mobilization capacity at Rock Island Arsenal.*

12 **EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF**

13 **BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS**  
14 **OF MEMBERS OF THE ARMED FORCES WHO DIE ON**  
15 **ACTIVE DUTY**

16 *SEC. 1124. Section 403(l) of title 37, United States*  
17 *Code, is amended by striking “180 days” each place it ap-*  
18 *pears and inserting “365 days”.*

19 **SENSE OF SENATE ON TREATMENT OF CERTAIN VETERANS**  
20 **UNDER REPEAL OF PHASE-IN OF CONCURRENT RE-**  
21 **CEIPT OF RETIRED PAY AND VETERANS DISABILITY**  
22 **COMPENSATION**

23 *SEC. 1125. It is the sense of the Senate that any vet-*  
24 *eran with a service-connected disability rated as total by*  
25 *virtue of having been deemed unemployable who otherwise*  
26 *qualifies for treatment as a qualified retiree for purposes*

1   of section 1414 of title 10, United States Code, should be  
2   entitled to treatment as qualified retiree receiving veterans  
3   disability compensation for a disability rated as 100 per-  
4   cent for purposes of the final clause of subsection (a)(1) of  
5   such section, as amended by section 642 of the Ronald W.  
6   Reagan National Defense Authorization Act for Fiscal Year  
7   2005 (Public Law 108–375; 118 Stat. 1957), and thus enti-  
8   tled to payment of both retired pay and veterans' disability  
9   compensation under such section 1414 commencing as of  
10   January 1, 2005.

11           SEC. 1126. BENEFITS FOR MEMBERS OF THE ARMED  
12   FORCES RECUPERATING FROM INJURIES INCURRED IN OP-  
13   ERATION IRAQI FREEDOM OR OPERATION ENDURING FREE-  
14   DOM. (a) PROHIBITION ON CHARGES FOR MEALS.—

15               (1) PROHIBITION.—A member of the Armed  
16   Forces entitled to a basic allowance for subsistence  
17   under section 402 of title 37, United States Code, who  
18   is undergoing medical recuperation or therapy, or is  
19   otherwise in the status of “medical hold”, in a mili-  
20   tary treatment facility for an injury, illness, or dis-  
21   ease incurred or aggravated while on active duty in  
22   the Armed Forces in Operation Iraqi Freedom or Op-  
23   eration Enduring Freedom shall not, during any  
24   month in which so entitled, be required to pay any

1       *charge for meals provided such member by the mili-*  
2       *tary treatment facility.*

3           *(2) EFFECTIVE DATE.—The limitation in para-*  
4       *graph (1) shall take effect on January 1, 2005, and*  
5       *shall apply with respect to meals provided members*  
6       *of the Armed Forces as described in that paragraph*  
7       *on or after that date.*

8       *(b) TELEPHONE BENEFITS.—*

9           *(1) PROVISION OF ACCESS TO TELEPHONE SERV-*  
10       *ICE.—The Secretary of Defense shall provide each*  
11       *member of the Armed Forces who is undergoing in*  
12       *any month medical recuperation or therapy, or is*  
13       *otherwise in the status of “medical hold”, in a mili-*  
14       *tary treatment facility for an injury, illness, or dis-*  
15       *ease incurred or aggravated while on active duty in*  
16       *the Armed Forces in Operation Iraqi Freedom or Op-*  
17       *eration Enduring Freedom access to telephone service*  
18       *at or through such military treatment facility in an*  
19       *amount for such month equivalent to the amount*  
20       *specified in paragraph (2).*

21           *(2) MONTHLY AMOUNT OF ACCESS.—The amount*  
22       *of access to telephone service provided a member of the*  
23       *Armed Forces under paragraph (1) in a month shall*  
24       *be the number of calling minutes having a value*  
25       *equivalent to \$40.*

1                   (3) *ELIGIBILITY AT ANY TIME DURING MONTH.*—

2                   *A member of the Armed Forces who is eligible for the*  
3                   *provision of telephone service under this subsection at*  
4                   *any time during a month shall be provided access to*  
5                   *such service during such month in accordance with*  
6                   *that paragraph, regardless of the date of the month on*  
7                   *which the member first becomes eligible for the provi-*  
8                   *sion of telephone service under this subsection.*

9                   (4) *USE OF EXISTING RESOURCES.*—*In carrying*  
10                  *out this subsection, the Secretary shall maximize the*  
11                  *use of existing Department of Defense telecommuni-*  
12                  *cations programs and capabilities, private organiza-*  
13                  *tions, or other private entities offering free or re-*  
14                  *duced-cost telecommunications services.*

15                  (5) *COMMENCEMENT.*—

16                  (A) *IN GENERAL.*—*This subsection shall*  
17                  *take effect on the first day of the first month be-*  
18                  *ginning on or after the date of the enactment of*  
19                  *this Act.*

20                  (B) *EXPEDITED PROVISION OF ACCESS.*—  
21                  *The Secretary shall commence the provision of*  
22                  *access to telephone service under this subsection*  
23                  *as soon as practicable after the date of the enact-*  
24                  *ment of this Act.*

1                     (6) *TERMINATION.*—*The Secretary shall cease the*  
2                     *provision of access to telephone service under this sub-*  
3                     *section on the date this is 60 days after the later of—*

4                         (A) *the date, as determined by the Sec-*  
5                     *retary, on which Operation Enduring Freedom*  
6                     *terminates; or*

7                         (B) *the date, as so determined, on which*  
8                     *Operation Iraqi Freedom terminates.*

9                     9 *PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS*  
10                     10 *AND GUIDANCE ON FUNCTIONS AND DUTIES OF GEN-*  
11                     11 *ERAL COUNSEL AND JUDGE ADVOCATE GENERAL OF*  
12                     12 *THE AIR FORCE*

13                     13 *SEC. 1127. No funds appropriated or otherwise made*  
14                     14 *available by this Act, or any other Act, may be obligated*  
15                     15 *or expended to implement or enforce either of the following:*

16                     16         (1) *The order of the Secretary of the Air Force*  
17                     17         *dated May 15, 2003, and entitled “Functions and*  
18                     18         *Duties of the General Counsel and the Judge Advocate*  
19                     19         *General”.*

20                     20         (2) *Any internal operating instruction or memo-*  
21                     21         *randum issued by the General Counsel of the Air*  
22                     22         *Force in reliance upon the order referred to in para-*  
23                     23         *graph (1).*

24                     24         *SEC. 1128. IMPLEMENTATION OF MISSION CHANGES*  
25                     25         *AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILI-*  
26                     26         *TIES. (a) IN GENERAL.*—*Section 414 of the Veterans Health*

*1 Programs Improvement Act of 2004, is amended by adding  
2 at the end the following:*

3        “(h) *DEFINITION*.—In this section, the term ‘medical  
4 center’ includes any outpatient clinic.”.

5       (b) EFFECTIVE DATE.—The amendment made by sub-  
6 section (a) shall take effect as if included in the Veterans  
7 Health Programs Improvement Act of 2004 (Public Law  
8 108-422).

## **9 RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED 10 MILITARY INSTALLATIONS**

11 SEC. 1129. (a) In order to assist communities with  
12 preparations for the results of the 2005 round of defense  
13 base closure and realignment, and consistent with assist-  
14 ance provided to communities by the Department of Defense  
15 in previous rounds of base closure and realignment, the Sec-  
16 retary of Defense shall, not later than July 15, 2005, submit  
17 to the congressional defense committees a report on the proc-  
18 esses and policies of the Federal Government for disposal  
19 of property at military installations proposed to be closed  
20 or realigned as part of the 2005 round of base closure and  
21 realignment, and the assistance available to affected local  
22 communities for re-use and redevelopment decisions.

23 (b) The report under subsection (a) shall include—

24                   (1) a description of the processes of the Federal  
25                   Government for disposal of property at military in-  
26                   stallations proposed to be closed or realigned;

1                   (2) a description of Federal Government policies  
2 for providing re-use and redevelopment assistance;

3                   (3) a catalogue of community assistance pro-  
4 grams that are provided by the Federal Government  
5 related to the re-use and redevelopment of closed or re-  
6 aligned military installations;

7                   (4) a description of the services, policies, and re-  
8 sources of the Department of Defense that are avail-  
9 able to assist communities affected by the closing or  
10 realignment of military installations as a result of  
11 the 2005 round of base closure and realignment;

12                  (5) guidance to local communities on the estab-  
13 lishment of local redevelopment authorities and the  
14 implementation of a base redevelopment plan; and

15                  (6) a description of the policies and responsibil-  
16 ities of the Department of Defense related to environ-  
17 mental clean-up and restoration of property disposed  
18 by the Federal Government.

19                  REQUESTS FOR FUTURE FUNDING FOR MILITARY

20                  OPERATIONS IN AFGHANISTAN AND IRAQ

21                  SEC. 1130. (a) FINDINGS.—The Senate makes the fol-  
22 lowing findings:

23                  (1) The Department of Defense Appropriations  
24 Act, 2004 (Public Law 108–87) and the Department  
25 of Defense Appropriations Act, 2005 (Public Law  
26 108–287) each contain a sense of the Senate provision

1       *urging the President to provide in the annual budget*  
2       *requests of the President for a fiscal year under sec-*  
3       *tion 1105(a) of title 31, United States Code, an esti-*  
4       *mate of the cost of ongoing military operations in*  
5       *Iraq and Afghanistan in such fiscal year.*

6           *(2) The budget for fiscal year 2006 submitted to*  
7       *Congress by the President on February 7, 2005, re-*  
8       *quests no funds for fiscal year 2006 for ongoing mili-*  
9       *tary operations in Iraq or Afghanistan.*

10          *(3) According to the Congressional Research*  
11       *Service, there exists historical precedent for including*  
12       *the cost of ongoing military operations in the annual*  
13       *budget requests of the President following initial*  
14       *funding for such operations by emergency or supple-*  
15       *mental appropriations Acts, including—*

16           *(A) funds for Operation Noble Eagle, begin-*  
17       *ning in the budget request of President George*  
18       *W. Bush for fiscal year 2005;*

19           *(B) funds for operations in Kosovo, begin-*  
20       *ning in the budget request of President George*  
21       *W. Bush for fiscal year 2001;*

22           *(C) funds for operations in Bosnia, begin-*  
23       *ning in budget request of President Clinton for*  
24       *fiscal year 1997;*

1                   (D) funds for operations in Southwest Asia,  
2                   beginning in the budget request of President  
3                   Clinton for fiscal year 1997;

4                   (E) funds for operations in Vietnam, begin-  
5                   ning in the budget request of President Johnson  
6                   for fiscal year 1966; and

7                   (F) funds for World War II, beginning in  
8                   the budget request of President Roosevelt for fis-  
9                   cal year 1943.

10                  (4) The Senate has included in its version of the  
11                  fiscal year 2006 budget resolution, which was adopted  
12                  by the Senate on March 17, 2005, a reserve fund of  
13                  \$50,000,000,000 for overseas contingency operations,  
14                  but the determination of that amount could not take  
15                  into account any Administration estimate on the pro-  
16                  jected cost of such operations in fiscal year 2006.

17                  (5) In February 2005, the Congressional Budget  
18                  Office estimated that fiscal year 2006 costs for ongo-  
19                  ing military operations in Iraq and Afghanistan  
20                  could total \$65,000,000,000.

21                  (b) SENSE OF SENATE.—It is the sense of the Senate  
22                  that—

23                  (1) any request for funds for a fiscal year after  
24                  fiscal year 2006 for an ongoing military operation  
25                  overseas, including operations in Afghanistan and

1       *Iraq, should be included in the annual budget of the*  
2       *President for such fiscal year as submitted to Con-*  
3       *gress under section 1105(a) of title 31, United States*  
4       *Code;*

5           *(2) the President should submit to Congress, not*  
6       *later than September 1, 2005, an amendment to the*  
7       *budget of the President for fiscal year 2006 that was*  
8       *submitted to Congress under section 1105(a) of title*  
9       *31, United States Code, setting forth detailed cost es-*  
10      *timates for ongoing military operations overseas dur-*  
11      *ing such fiscal year; and*

12       *(3) any funds provided for a fiscal year for on-*  
13      *going military operations overseas should be provided*  
14      *in appropriations Acts for such fiscal year through*  
15      *appropriations to specific accounts set forth in such*  
16      *appropriations Acts.*

17      *(c) ADDITIONAL REQUIREMENTS FOR CERTAIN RE-*  
18      *PORTS.—(1) Each semiannual report to Congress required*  
19      *under a provision of law referred to in paragraph (2) shall*  
20      *include, in addition to the matters specified in the applica-*  
21      *ble provision of law, the following:*

22           *(A) A statement of the cumulative total of all*  
23       *amounts obligated, and of all amounts expended, as*  
24       *of the date of such report for Operation Enduring*  
25       *Freedom.*

1                   (B) A statement of the cumulative total of all  
2 amounts obligated, and of all amounts expended, as  
3 of the date of such report for Operation Iraqi Free-  
4 dom.

5                   (C) An estimate of the reasonably foreseeable  
6 costs for ongoing military operations to be incurred  
7 during the 12-month period beginning on the date of  
8 such report.

9                   (2) The provisions of law referred to in this paragraph  
10 are as follows:

11                  (A) Section 1120 of the Emergency Supple-  
12 mental Appropriations Act for Defense and for the  
13 Reconstruction of Iraq and Afghanistan, 2004 (Public  
14 Law 108–106; 117 Stat. 1219; 10 U.S.C. 113 note).

15                  (B) Section 9010 of the Department of Defense  
16 Appropriations Act, 2005 (Public Law 108–287; 118  
17 Stat. 1008; 10 U.S.C. 113 note).

18                  **REPORTS ON IRAQI SECURITY FORCES**

19                  SEC. 1131. Not later than 60 days after the date of  
20 enactment of this Act, and every 90 days thereafter, the  
21 President shall submit an unclassified report to Congress,  
22 which may include a classified annex, that includes a de-  
23 scription of the following:

24                  (1) The extent to which funding appropriated by  
25 this Act will be used to train and equip capable and

1       effectively led Iraqi security services and promote sta-  
2       bility and security in Iraq.

3           (2) The estimated strength of the Iraqi insur-  
4       gency and the extent to which it is composed of non-  
5       Iraqi fighters, and any changes over the previous 90-  
6       day period.

7           (3) A description of all militias operating in  
8       Iraq, including their number, size, strength, military  
9       effectiveness, leadership, sources of external support,  
10      sources of internal support, estimated types and num-  
11      bers of equipment and armaments in their possession,  
12      legal status, and the status of efforts to disarm, de-  
13      mobilize, and reintegrate each militia.

14           (4) The extent to which recruiting, training, and  
15      equipping goals and standards for Iraqi security  
16      forces are being met, including the number of Iraqis  
17      recruited and trained for the army, air force, navy,  
18      and other Ministry of Defense forces, police, and high-  
19      way patrol of Iraq, and all other Ministry of Interior  
20      forces, and the extent to which personal and unit  
21      equipment requirements have been met.

22           (5) A description of the criteria for assessing the  
23      capabilities and readiness of Iraqi security forces.

24           (6) An evaluation of the operational readiness  
25      status of Iraqi military forces and special police, in-

1       *cluding the type, number, size, and organizational  
2       structure of Iraqi battalions that are—*

3           *(A) capable of conducting counterinsurgency  
4       operations independently;*

5           *(B) capable of conducting  
6       counterinsurgency operations with United States  
7       or Coalition mentors and enablers; or*

8           *(C) not ready to conduct counterinsurgency  
9       operations.*

10          *(7) The extent to which funding appropriated by  
11       this Act will be used to train capable, well-equipped,  
12       and effectively led Iraqi police forces, and an evalua-  
13       tion of Iraqi police forces, including—*

14           *(A) the number of police recruits that have  
15       received classroom instruction and the duration  
16       of such instruction;*

17           *(B) the number of veteran police officers  
18       who have received classroom instruction and the  
19       duration of such instruction;*

20           *(C) the number of police candidates  
21       screened by the Iraqi Police Screening Service  
22       screening project, the number of candidates de-  
23       rived from other entry procedures, and the over-  
24       all success rates of those groups of candidates;*

1                   (D) the number of Iraqi police forces who  
2                   have received field training by international po-  
3                   lice trainers and the duration of such instruc-  
4                   tion;

5                   (E) a description of the field training pro-  
6                   gram, including the number, the planned num-  
7                   ber, and nationality of international field train-  
8                   ers;

9                   (F) the number of police present for duty;

10                  (G) data related to attrition rates; and

11                  (H) a description of the training that Iraqi  
12                  police have received regarding human rights and  
13                  the rule of law.

14                  (8) The estimated total number of Iraqi battal-  
15                  ions needed for the Iraqi security forces to perform  
16                  duties now being undertaken by the Coalition Forces,  
17                  including defending Iraq's borders, defeating the in-  
18                  surgency, and providing law and order.

19                  (9) The extent to which funding appropriated by  
20                  this Act will be used to train Iraqi security forces in  
21                  counterinsurgency operations and the estimated total  
22                  number of Iraqi security force personnel expected to  
23                  be trained, equipped, and capable of participating in  
24                  counterinsurgency operations by the end of 2005 and  
25                  of 2006.

1                   (10) *The estimated total number of adequately  
2 trained, equipped, and led Iraqi battalions expected  
3 to be capable of conducting counterinsurgency oper-  
4 ations independently and the estimated total number  
5 expected to be capable of conducting  
6 counterinsurgency operations with United States or  
7 Coalition mentors and enablers by the end of 2005  
8 and of 2006.*

9                   (11) *An assessment of the effectiveness of the  
10 chain of command of the Iraqi military.*

11                  (12) *The number and nationality of Coalition  
12 mentors and advisers working with Iraqi security  
13 forces as of the date of the report, plans for decreasing  
14 or increasing the number of such mentors and advisers,  
15 and a description of their activities.*

16                  (13) *A list of countries of the North Atlantic  
17 Treaty Organisation (“NATO”) participating in the  
18 NATO mission for training of Iraqi security forces  
19 and the number of troops from each country dedicated  
20 to the mission.*

21                  (14) *A list of countries participating in training  
22 Iraqi security forces outside the NATO training mis-  
23 sion and the number of troops from each country  
24 dedicated to the mission.*

1                   (15) *For any country, which made an offer to*  
2                   *provide forces for training that has not been accepted,*  
3                   *an explanation of the reasons why the offer was not*  
4                   *accepted.*

5                   (16) *For offers to provide forces for training that*  
6                   *have been accepted by the Iraqi government, a report*  
7                   *on the status of such training efforts, including the*  
8                   *number of troops involved by country and the number*  
9                   *of Iraqi security forces trained.*

10                  (17) *An assessment of the progress of the Na-*  
11                  *tional Assembly of Iraq in drafting and ratifying the*  
12                  *permanent constitution of Iraq, and the performance*  
13                  *of the new Iraqi Government in its protection of the*  
14                  *rights of minorities and individual human rights,*  
15                  *and its adherence to common democratic practices.*

16                  (18) *The estimated number of United States*  
17                  *military forces who will be needed in Iraq 6, 12, and*  
18                  *18 months from the date of the report.*

19                  **REPORT ON IMPLEMENTATION OF POST DEPLOYMENT**  
20                  **STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD**

21                  SEC. 1132. *Not later than 60 days after the date of*  
22                  *the enactment of this Act, the Secretary of the Army shall*  
23                  *submit to the congressional defense committees a report con-*  
24                  *taining the assessment of the Secretary of the feasibility and*  
25                  *advisability of implementing for the Army National Guard*  
26                  *a program similar to the Post Deployment Stand-Down*

1   *Program of the Air National Guard. The Secretary of the*  
2   *Army shall prepare the assessment in consultation with the*  
3   *Secretary of the Air Force.*

4                    *AIRCRAFT CARRIERS OF THE NAVY*

5        *SEC. 1133. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount ap-*  
6    *propriated to the Department of the Navy by this Act, nec-*  
7    *essary funding will be made available for such repair and*  
8    *maintenance of the U.S.S. John F. Kennedy as the Navy*  
9    *considers appropriate to extend the life of U.S.S. John F.*  
10   *Kennedy.*

12        *(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:*

18            *(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.*

22            *(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of*

1       aircraft carriers as are necessary in the Pacific Com-  
2       mand Area of Responsibility to fulfill the roles and  
3       missions of that Command, including agreements for  
4       the forward deployment of a nuclear aircraft carrier  
5       after the retirement of the current two conventional  
6       aircraft carriers.

7       (c) ACTIVE AIRCRAFT CARRIERS.—For purposes of  
8 this section, an active aircraft carrier of the Navy includes  
9 an aircraft carrier that is temporarily unavailable for  
10 worldwide deployment due to routing or scheduled mainte-  
11 nance.

12 SENSE OF THE SENATE ON SILICON CARBIDE POWDERS

13 *PRODUCTION*

14        *SEC. 1134. SENSE OF THE SENATE. It is the sense of*  
15    *the Senate that the Department of Defense should provide*  
16    *funding sufficient, but not less than \$5,000,000, under the*  
17    *Defense Production Act Title III to increase the domestic*  
18    *manufacturing capability to produce silicon carbide pow-*  
19    *ders for use in the production of ceramic armor plates for*  
20    *armored vehicles, personal body armor systems, and other*  
21    *armor needs.*

22 *PROCURING RAPID WALL BREACHING KITS*

23           SEC. 1135. SENSE OF THE SENATE. *It is the sense of*  
24 *the Senate that—*

25                   (1) the Department of Defense should allocate  
26 sufficient funding, but not less than \$5,000,000, in

1       *fiscal year 2005 to procure Rapid Wall Breaching*  
2       *Kits for use in operation Iraqi Freedom, Operation*  
3       *Enduring Freedom, and other uses;*

4           *(2) the Department of Defense should submit to*  
5       *Congress an amendment to the proposed fiscal year*  
6       *2006 budget to procure sufficient Rapid Wall Breach-*  
7       *ing Kits for use in Operation Iraqi Freedom, Oper-*  
8       *ation Enduring Freedom, and other uses in fiscal*  
9       *year 2006; and*

10          *(3) the Department of Defense should include in*  
11       *its budget requests for fiscal year 2007 and beyond*  
12       *funds to procure sufficient Rapid Wall Breaching*  
13       *Kits for use in Operation Iraqi Freedom, Operation*  
14       *Enduring Freedom, and other uses.*

15       **TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE**

16        *SEC. 1136. (a) It is the sense of the Senate that the*  
17       *amount appropriated by this chapter under the heading*  
18       *“OPERATION AND MAINTENANCE, ARMY RESERVE” may be*  
19       *increased by \$17,600,000, with the amount of such increase*  
20       *designated as an emergency requirement pursuant to sec-*  
21       *tion 402 of the conference report to accompany S. Con. Res.*  
22       *95 (108th Congress).*

23          *(b) AVAILABILITY OF FUNDS.—Of the amount appro-*  
24       *priated or otherwise made available by this chapter under*  
25       *the heading “OPERATION AND MAINTENANCE, ARMY RE-*  
26       *SERVE”, as increased by subsection (a), \$17,600,000 may*

1   *be available for tuition assistance programs for members*  
2   *of the Army Reserve as authorized by law.*

3           **SENSE OF SENATE ON FUNDING FOR VACCINE HEALTH**  
4                   **CARE CENTERS**

5       *SEC. 1137. It is the sense of the Senate that, of the*  
6       *amount appropriated or otherwise made available by this*  
7       *chapter under the heading “DEFENSE HEALTH PROGRAM”,*  
8       *not less than \$6,000,000 should be available for the Vaccine*  
9       *Health Care Centers.*

10      **DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD**  
11                   **JAMMING SYSTEMS**

12       *SEC. 1138. SENSE OF THE SENATE. It is the sense of*  
13       *the Senate that—*

14           (1) *\$60,000,000 may be made available for the*  
15       *rapid deployment of Warlock and other field jamming*  
16       *systems; and*

17           (2) *in conference, the Senate should recede to the*  
18       *House position.*

19      **TRAVEL FOR FAMILY OF MEMBERS OF THE ARMED FORCES**  
20      **HOSPITALIZED IN UNITED STATES IN CONNECTION**

21      **WITH CERTAIN NON-SERIOUS ILLNESSES OR INJURIES**  
22      *SEC. 1139. (a) AUTHORITY.—Subsection (a) of section*

23      *411h of title 37, United States Code, is amended—*

24           (1) *in paragraph (2)—*

25           (A) *by inserting “and” at the end of sub-*  
26       *paragraph (A); and*

1                   (B) by striking subparagraphs (B) and (C)  
2                   and inserting the following new subparagraph:  
3                   “(B) either—

4                         “(i) is seriously ill, seriously injured, or in  
5                         a situation of imminent death (whether or not  
6                         electrical brain activity still exists or brain  
7                         death is declared), and is hospitalized in a med-  
8                         ical facility in or outside the United States; or  
9                         “(ii) is not described in clause (i), but has  
10                         an injury incurred in an operation or area des-  
11                         ignated as a combat operation or combat zone,  
12                         respectively, by the Secretary of Defense under  
13                         section 1967(e)(1)(A) of title 38 and is hospital-  
14                         ized in a medical facility in the United States  
15                         for treatment of that injury.”; and

16                   (2) by adding at the end the following new para-  
17                   graph:

18                   “(3) Not more than one roundtrip may be provided  
19                         to a family member under paragraph (1) on the basis of  
20                         clause (ii) of paragraph (2)(B).”.

21                   (b) CONFORMING AMENDMENTS.—

22                   (1) HEADING FOR AMENDED SECTION.—The  
23                         heading for section 411h of such title is amended to  
24                         read as follows:

1     **“§411h. Travel and transportation allowances: trans-**  
 2                 **portation of family members incident to**  
 3                 **illness or injury of members”.**

4                 (2) *CLERICAL AMENDMENT.—The item relating*  
 5                 *to such section in the table of sections at the begin-*  
 6                 *ning of chapter 7 of such title is amended to read as*  
 7                 *follows:*

“411h. *Travel and transportation allowances: transportation of family members incident to illness or injury of members.”.*

8                 (c) *FUNDING.—Funds for the provision of travel in fis-*  
 9                 *cal year 2005 under section 411h of title 37, United States*  
 10                 *Code, by reason of the amendments made by this section*  
 11                 *shall be derived as follows:*

12                 (1) *In the case of travel provided by the Depart-*  
 13                 *ment of the Army, from amounts appropriated for fis-*  
 14                 *cal year 2005 by this Act and the Department of De-*  
 15                 *fense Appropriations Act, 2005 (Public Law 108–287)*  
 16                 *for the Military Personnel, Army account.*

17                 (2) *In the case of travel provided by the Depart-*  
 18                 *ment of the Navy, from amounts appropriated for fis-*  
 19                 *cal year 2005 by the Acts referred to in paragraph*  
 20                 *(1) for the Operation and Maintenance, Navy ac-*  
 21                 *count.*

22                 (3) *In the case of travel provided by the Depart-*  
 23                 *ment of the Air Force, from amounts appropriated for*  
 24                 *fiscal year 2005 by the Acts referred to in paragraph*

1       (1) for the Operation and Maintenance, Air Force ac-  
2       count.

3       (d) REPORT ON TRAVEL IN EXCESS OF CERTAIN  
4       LIMIT.—If in any fiscal year the amount of travel provided  
5       in such fiscal year under section 411h of title 37, United  
6       States Code, by reason of the amendments made by this sec-  
7       tion exceeds \$20,000,000, the Secretary of Defense shall sub-  
8       mit to the congressional defense committees a report on that  
9       fact, including the total amount of travel provided in such  
10      fiscal year under such section 411h by reason of the amend-  
11      ments made by this section.

12     PROHIBITION ON TERMINATION OF EXISTING JOINT-SERV-

13       ICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC–  
14       130J AIRCRAFT

15       SEC. 1140. No funds in this Act may be obligated or  
16       expended to terminate the joint service multiyear procure-  
17       ment contract for C/KC–130J aircraft that is in effect on  
18       the date of the enactment of this Act.

19     UP-ARMORED HIGH MOBILITY MULTIPURPOSE WHEELED

20                   VEHICLES

21       SEC. 1141. (a) ADDITIONAL AMOUNT FOR OTHER PRO-  
22       CUREMENT, ARMY.—The amount appropriated by this  
23       chapter under the heading “OTHER PROCUREMENT, ARMY”  
24       is hereby increased by \$213,000,000, with the amount of  
25       such increase designated as an emergency requirement pur-

1 suant to section 402 of the conference report to accompany  
2 S. Con. Res. 95 (108th Congress).

3 (b) AVAILABILITY OF FUNDS.—Of the amount appro-  
4 priated or otherwise made available by this chapter under  
5 the heading “OTHER PROCUREMENT, ARMY”, as increased  
6 by subsection (a), \$213,000,000 shall be available for the  
7 procurement of Up-Armored High Mobility Multipurpose  
8 Wheeled Vehicles (UAHMMWVs).

9 (c) REPORTS.—(1) Not later 60 days after the date of  
10 the enactment of this Act, and every 60 days thereafter until  
11 the termination of Operation Iraqi Freedom, the Secretary  
12 of Defense shall submit to the congressional defense commit-  
13 tees a report setting forth the current requirements of the  
14 Armed Forces for Up-Armored High Mobility Multipurpose  
15 Wheeled Vehicles.

16 (2) Not later than 60 days after the date of the enact-  
17 ment of this Act, the Secretary shall submit to the congres-  
18 sional defense committees a report setting forth the most  
19 effective and efficient options available to the Department  
20 of Defense for transporting Up Armored High Mobility  
21 Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

1   SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED  
2       TRICARE COVERAGE OF CHILDREN OF MEMBERS OF  
3       THE UNIFORMED SERVICES WHO DIE WHILE SERVING  
4       ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30  
5       DAYS

6       SEC. 1142. SENSE OF THE SENATE. *It is the sense of*  
7   *the Senate that—*

8           (1) *Congress should enact an amendment to sec-*  
9       *tion 1079 of title 10, United States Code, in order to*  
10      *increase the period of continued TRICARE coverage*  
11      *of children of members of the uniformed services who*  
12      *die while serving on active duty for a period of more*  
13      *than 30 days under that section such that the period*  
14      *of continued eligibility is the longer of—*

15           (A) *the three-year period beginning on the*  
16      *date of death of the member;*

17           (B) *the period ending on the date on which*  
18      *the child attains 21 years of age; or*

19           (C) *in the case of a child of a deceased*  
20      *member who, at 21 years of age, is enrolled in*  
21      *a full-time course of study in a secondary school*  
22      *or in a full-time course of study in an institu-*  
23      *tion of higher education approved by the admin-*  
24      *istering Secretary and was, at the time of the*  
25      *member's death, in fact dependent on the member*

1           *for over one-half of the child's support, the period  
2           ending on the earlier—*

3                 *(i) the date on which the child ceases  
4                 to pursue such a course of study, as deter-  
5                 mined by the administering Secretary; or  
6                 (ii) the date on which the child attains  
7                 23 years of age; and*

8                 *(2) Congress should make the amendment appli-  
9                 cable to deaths of members of the Armed Forces on or  
10                 after October 7, 2001, the date of the commencement  
11                 of military operations in Afghanistan.*

12                 **PERMANENT MAGNET MOTOR**

13                 *SEC. 1143. It is the sense of the Senate that of the  
14                 amounts appropriated by this Act under the heading "RE-  
15                 SEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY",  
16                 \$15,000,000 should be made available for the continuing de-  
17                 velopment of the permanent magnet motor.*

18                 **SENSE OF SENATE ON PROCUREMENT OF MAN-PORTABLE**

19                 **AIR DEFENSE SYSTEMS**

20                 *SEC. 1144. It is the sense of the Senate that, of the  
21                 amounts appropriated by this Act, \$32,000,000 may be  
22                 available to procure MANPAD systems.*

23                 **SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL**

24                 **UNITS**

25                 *SEC. 1145. It is the sense of the Senate that, of the  
26                 amount appropriated by this Act under the heading "OPER-*

1 ACTION AND MAINTENANCE, ARMY”, \$11,500,000 should be  
2 made available for the replenishment of medical supply and  
3 equipment needs within the combat theaters of the Army,  
4 including bandages and other blood-clotting supplies that  
5 utilize hemostatic, wound-dressing technologies.

6                           **CHAPTER 2**

7                           **DEPARTMENT OF DEFENSE**

8                           **MILITARY CONSTRUCTION, ARMY**

9                           For an additional amount for “Military Construction,  
10 Army”, \$897,191,000, to remain available until September  
11 30, 2007: Provided, That such funds may be used to carry  
12 out planning and design and military construction projects  
13 not otherwise authorized by law: Provided further, That the  
14 amount provided under this heading is designated as an  
15 emergency requirement pursuant to section 402 of the con-  
16 ference report to accompany S. Con. Res. 95 (108th Con-  
17 gress).

18                           **MILITARY CONSTRUCTION, NAVY AND MARINE CORPS**

19                           For an additional amount for “Military Construction,  
20 Navy and Marine Corps”, \$107,380,000, to remain avail-  
21 able until September 30, 2007: Provided, That such funds  
22 may be used to carry out planning and design and military  
23 construction projects not otherwise authorized by law: Pro-  
24 vided further, That the amount provided under this heading  
25 is designated as an emergency requirement pursuant to sec-

1 *tion 402 of the conference report to accompany S. Con. Res.*  
2 *95 (108th Congress).*

3 **MILITARY CONSTRUCTION, AIR FORCE**  
4 *For an additional amount for “Military Construction,*  
5 *Air Force”, \$140,983,000, to remain available until Sep-*  
6 *tember 30, 2007: Provided, That such funds may be used*  
7 *to carry out planning and design and military construction*  
8 *projects not otherwise authorized by law: Provided further,*  
9 *That the amount provided under this heading is designated*  
10 *as an emergency requirement pursuant to section 402 of*  
11 *the conference report to accompany S. Con. Res. 95 (108th*  
12 *Congress).*

13 **TITLE II—INTERNATIONAL PROGRAMS AND AS-**  
14 **SISTANCE FOR RECONSTRUCTION AND THE**  
15 **WAR ON TERROR**

16 **CHAPTER 1**

17 **DEPARTMENT OF AGRICULTURE**

18 **FOREIGN AGRICULTURAL SERVICE**

19 **PUBLIC LAW 480 TITLE II GRANTS**

20 *For additional expenses during the current fiscal year,*  
21 *not otherwise recoverable, and unrecovered prior years’*  
22 *costs, including interest thereon, under the Agricultural*  
23 *Trade Development and Assistance Act of 1954, for com-*  
24 *modities supplied in connection with dispositions abroad*  
25 *under title II of said Act, \$470,000,000 to remain available*

1 until expended: Provided, That from this amount, to the  
2 maximum extent possible, funding shall be restored to the  
3 previously approved fiscal year 2005 programs under sec-  
4 tion 204(a)(2) of the Agricultural Trade Development and  
5 Assistance Act of 1954: Provided further, That of the funds  
6 provided under this heading, \$12,000,000 shall be available  
7 to carry out programs under the Food for Progress Act of  
8 1985: Provided further, That the amount provided under  
9 this heading is designated as an emergency requirement  
10 pursuant to section 402 of the conference report to accom-  
11 pany S. Con. Res. 95 (108th Congress).

CHAPTER 2

## 13 DEPARTMENT OF STATE AND RELATED AGENCY

*DEPARTMENT OF STATE*

## *ADMINISTRATION OF FOREIGN AFFAIRS*

## *DIPLOMATIC AND CONSULAR PROGRAMS*

17       For an additional amount for "Diplomatic and Con-  
18 sular Programs", \$767,200,000, to remain available until  
19 September 30, 2006, of which \$10,000,000 is provided for  
20 security requirements in the detection of explosives: Pro-  
21 vided, That of the funds appropriated under this heading,  
22 not less than \$250,000 shall be made available for programs  
23 to assist Iraqi and Afghan scholars who are in physical  
24 danger to travel to the United States to engage in research  
25 or other scholarly activities at American institutions of

1 *higher education: Provided further, That of the funds ap-*  
2 *propriated under this heading, \$17,200,000 should be made*  
3 *available for the Office of the Coordinator for Reconstruc-*  
4 *tion and Stabilization: Provided further, That the amount*  
5 *provided under this heading is designated as an emergency*  
6 *requirement pursuant to section 402 of the conference report*  
7 *to accompany S. Con. Res. 95 (108th Congress).*

8       **EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE**

9       *For an additional amount for “Embassy Security,*  
10 *Construction, and Maintenance”, \$592,000,000, to remain*  
11 *available until expended: Provided, That the amount pro-*  
12 *vided under this heading is designated as an emergency re-*  
13 *quirement pursuant to section 402 of the conference report*  
14 *to accompany S. Con. Res. 95 (108th Congress).*

15       **INTERNATIONAL ORGANIZATIONS AND**  
16                   **CONFERENCES**

17       **CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING**  
18                   **ACTIVITIES**

19       *For an additional amount for “Contributions for*  
20 *International Peacekeeping Activities”, \$680,000,000, to re-*  
21 *main available until September 30, 2006: Provided, That*  
22 *the amount provided under this heading is designated as*  
23 *an emergency requirement pursuant to section 402 of the*  
24 *conference report to accompany S. Con. Res. 95 (108th Con-*  
25 *gress).*

1                   *RELATED AGENCY*2                   *BROADCASTING BOARD OF GOVERNORS*3                   *INTERNATIONAL BROADCASTING OPERATIONS*

4       *For an additional amount for “International Broad-*  
5       *casting Operations” for activities related to broadcasting to*  
6       *the broader Middle East, \$4,800,000, to remain available*  
7       *until September 30, 2006: Provided, That the amount pro-*  
8       *vided under this heading is designated as an emergency re-*  
9       *quirement pursuant to section 402 of the conference report*  
10      *to accompany S. Con. Res. 95 (108th Congress).*

11                  *BROADCASTING CAPITAL IMPROVEMENTS*

12       *For an additional amount for “Broadcasting Capital*  
13       *Improvements” for capital improvements related to broad-*  
14       *casting to the broader Middle East, \$2,500,000, to remain*  
15       *available until September 30, 2006: Provided, That the*  
16       *amount provided under this heading is designated as an*  
17       *emergency requirement pursuant to section 402 of the con-*  
18       *ference report to accompany S. Con. Res. 95 (108th Con-*  
19       *gress).*

1           *BILATERAL ECONOMIC ASSISTANCE*  
2           *FUNDS APPROPRIATED TO THE PRESIDENT*  
3           *UNITED STATES AGENCY FOR INTERNATIONAL*  
4           *DEVELOPMENT*

5           *INTERNATIONAL DISASTER AND FAMINE ASSISTANCE*  
6           *For an additional amount for “International Disaster*  
7   *and Famine Assistance”, \$44,000,000, to remain available*  
8   *until expended, for emergency expenses related to the hu-*  
9   *manitarian crisis in the Darfur region of Sudan: Provided,*  
10   *That these funds may be used to reimburse fully accounts*  
11   *administered by the United States Agency for International*  
12   *Development for obligations incurred for the purposes pro-*  
13   *vided under this heading prior to enactment of this Act*  
14   *from funds appropriated for foreign operations, export fi-*  
15   *nancing, and related programs: Provided further, That the*  
16   *amount provided under this heading is designated as an*  
17   *emergency requirement pursuant to section 402 of the con-*  
18   *ference report to accompany S. Con. Res. 95 (108th Con-*  
19   *gress).*

20           *TRANSITION INITIATIVES*

21           *For an additional amount for “Transition Initiatives”, \$63,000,000, to remain available until expended, for*  
22   *necessary international disaster rehabilitation and recon-*  
23   *struction assistance pursuant to section 491 of the Foreign*  
24   *Assistance Act of 1961, to support transition to democracy*

1 and the long-term development of Sudan: Provided, That  
2 such support may include assistance to develop, strengthen,  
3 or preserve democratic institutions and processes, revitalize  
4 basic infrastructure, and foster the peaceful resolution of  
5 conflict: Provided further, That of the funds appropriated  
6 under this heading, not less than \$2,500,000 shall be made  
7 available for criminal case management, case tracking, and  
8 the reduction of pre-trial detention in Haiti, notwithstanding  
9 standing any other provision of law: Provided further, That  
10 the amount provided under this heading is designated as  
11 an emergency requirement pursuant to section 402 of the  
12 conference report to accompany S. Con. Res. 95 (108th Con-  
13 gress).

14 OPERATING EXPENSES OF THE UNITED STATES AGENCY  
15 FOR INTERNATIONAL DEVELOPMENT

16 For an additional amount for "Operating Expenses of  
17 the United States Agency for International Development",  
18 \$24,400,000, to remain available until September 30, 2006:  
19 Provided, That the amount provided under this heading is  
20 designated as an emergency requirement pursuant to sec-  
21 tion 402 of the conference report to accompany S. Con. Res.  
22 95 (108th Congress).

1    *OPERATING EXPENSES OF THE UNITED STATES AGENCY*  
2    *FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-*  
3    *SPECTOR GENERAL*

4    *For an additional amount for “Operating Expenses of*  
5    *the United States Agency for International Development*  
6    *Office of Inspector General”, \$2,500,000, to remain avail-*  
7    *able until September 30, 2006: Provided, That the amount*  
8    *provided under this heading is designated as an emergency*  
9    *requirement pursuant to section 402 of the conference report*  
10   *to accompany S. Con. Res. 95 (108th Congress).*

11   *OTHER BILATERAL ECONOMIC ASSISTANCE*

12   *ECONOMIC SUPPORT FUND*

13   *(INCLUDING TRANSFER OF FUNDS)*

14   *For an additional amount for “Economic Support*  
15   *Fund”, \$1,636,300,000, to remain available until Sep-*  
16   *tember 30, 2006: Provided, That of the funds appropriated*  
17   *under this heading, \$200,000,000 should be made available*  
18   *for programs, activities, and efforts to support Palestinians,*  
19   *of which \$50,000,000 should be made available for assist-*  
20   *ance for Israel to help ease the movement of Palestinian*  
21   *people and goods in and out of Israel: Provided further,*  
22   *That of the funds appropriated under this heading, not less*  
23   *than \$5,000,000 shall be made available for assistance for*  
24   *displaced persons in Afghanistan: Provided further, That*  
25   *of the funds appropriated under this heading, not less than*

1   \$5,000,000 should be made available to support Afghan  
2   women's organizations that work to defend the legal rights  
3   of women and to increase women's political participation:  
4   Provided further, That of the funds appropriated under this  
5   heading, not less than \$5,000,000 should be made available  
6   for assistance for families and communities of Afghan civil-  
7   ians who have suffered losses as a result of the military  
8   operations: Provided further, That of the funds appro-  
9   priated under this heading, not less than \$5,000,000 shall  
10   be made available for programs and activities to promote  
11   democracy, including political party development, in Leb-  
12   anon and such amount shall be managed by the Bureau  
13   of Democracy, Human Rights, and Labor of the Depart-  
14   ment of State: Provided further, That of the funds appro-  
15   priated under this heading, up to \$10,000,000 may be  
16   transferred to the Overseas Private Investment Corporation  
17   for the cost of direct and guaranteed loans as authorized  
18   by section 234 of the Foreign Assistance Act of 1961: Pro-  
19   vided further, That such costs, shall be as defined in section  
20   502 of the Congressional Budget Act of 1974: Provided fur-  
21   ther, That the amount provided under this heading is des-  
22   ignated as an emergency requirement pursuant to section  
23   402 of the conference report to accompany S. Con. Res. 95  
24   (108th Congress).

1       *ASSISTANCE FOR THE INDEPENDENT STATES OF THE*  
2                   *FORMER SOVIET UNION*

3       *For an additional amount for “Assistance for the Inde-*  
4    *pendent States of the Former Soviet Union” for assistance*  
5    *to Ukraine, \$70,000,000, to remain available until Sep-*  
6    *tember 30, 2006: Provided, That of the funds appropriated*  
7    *under this heading, \$5,000,000 shall be made available for*  
8    *democracy programs in Belarus, which shall be adminis-*  
9    *tered by the Bureau of Democracy, Human Rights and*  
10   *Labor, Department of State: Provided further, That of the*  
11   *funds appropriated under this heading, not less than*  
12   *\$5,000,000 shall be made available through the United*  
13   *States Agency for International Development for humani-*  
14   *tarian, conflict mitigation, and other relief and recovery*  
15   *assistance for needy families and communities in Chechnya,*  
16   *Ingushetia and elsewhere in the North Caucasus: Provided*  
17   *further, That the amount provided under this heading is*  
18   *designated as an emergency requirement pursuant to sec-*  
19   *tion 402 of the conference report to accompany S. Con. Res.*  
20   *95 (108th Congress).*

1                   *DEPARTMENT OF STATE*  
2                   *INTERNATIONAL NARCOTICS CONTROL AND LAW*  
3                   *ENFORCEMENT*  
4                   *(INCLUDING TRANSFER OF FUNDS)*

5         *For an additional amount for “International Nar-*  
6         *cotics Control and Law Enforcement”, \$660,000,000, to re-*  
7         *main available until September 30, 2007, of which up to*  
8         *\$46,000,000 may be transferred to and merged with “Eco-*  
9         *nomic Support Fund” if the Secretary of State, after con-*  
10         *sultation with the Committees on Appropriations, deter-*  
11         *mines that this transfer is the most effective and timely use*  
12         *of resources to carry out counternarcotics and reconstruc-*  
13         *tion programs: Provided, That the amount provided under*  
14         *this heading is designated as an emergency requirement*  
15         *pursuant to section 402 of the conference report to accom-*  
16         *pany S. Con. Res. 95 (108th Congress).*

17                   *.Migrations and Refugee Assistance*  
18         *For an additional amount for “Migration and Refugee*  
19         *Assistance”, \$108,400,000, to remain available until Sep-*  
20         *tember 30, 2006: Provided, That of the funds appropriated*  
21         *under this heading, not less than \$55,000,000 shall be made*  
22         *available for assistance for refugees in Africa and to fulfill*  
23         *refugee protection goals set by the President for fiscal year*  
24         *2005: Provided further, That the amount provided under*  
25         *this heading is designated as an emergency requirement*

1 pursuant to section 402 of the conference report to accom-  
2 pany S. Con. Res. 95 (108th Congress).

3       **NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND**  
4                   **RELATED PROGRAMS**

5       For an additional amount for “Nonproliferation,  
6 Anti-Terrorism, Demining and Related Programs”,  
7 \$32,100,000, to remain available until September 30, 2006,  
8 of which not to exceed \$15,000,000, to remain available  
9 until expended, may be made available for the Nonprolifera-  
10 tion and Disarmament Fund, notwithstanding any other  
11 provision of law, to promote bilateral and multilateral ac-  
12 tivities relating to nonproliferation and disarmament: Pro-  
13 vided, That the amount provided under this heading is des-  
14 ignated as an emergency requirement pursuant to section  
15 402 of the conference report to accompany S. Con. Res. 95  
16 (108th Congress).

17       **FUNDS APPROPRIATED TO THE PRESIDENT**

18                   **OTHER BILATERAL ASSISTANCE**

19                   **GLOBAL WAR ON TERROR PARTNERS FUND**

20                   **(INCLUDING TRANSFER OF FUNDS)**

21       For necessary expenses to carry out the purposes of the  
22 Foreign Assistance Act of 1961 for responding to urgent eco-  
23 nomic support requirements in countries supporting the  
24 United States in the Global War on Terror, \$25,500,000,  
25 to remain available until expended: Provided, That these

1 funds may be used only pursuant to a determination by  
2 the President, and after consultation with the Committees  
3 on Appropriations, that such use will support the global  
4 war on terrorism to furnish economic assistance to partners  
5 on such terms and conditions as he may determine for such  
6 purposes, including funds on a grant basis as a cash trans-  
7 fer: Provided further, That funds made available under this  
8 heading may be transferred by the Secretary of State to  
9 other Federal agencies or accounts to carry out the purposes  
10 under this heading: Provided further, That upon a deter-  
11 mination that all or part of the funds so transferred from  
12 this appropriation are not necessary for the purposes pro-  
13 vided herein, such amounts may be transferred back to this  
14 appropriation: Provided further, That funds appropriated  
15 under this heading shall be considered to be economic assist-  
16 ance under the Foreign Assistance Act of 1961 for purposes  
17 of making available the administrative authorities con-  
18 tained in the Act for the use of economic assistance: Pro-  
19 vided further, That funds appropriated under this heading  
20 shall be subject to the regular notification procedures of the  
21 Committees on Appropriations, except that such notifica-  
22 tions shall be submitted no less than five days prior to the  
23 obligation of funds: Provided further, That the amount pro-  
24 vided under this heading is designated as an emergency re-

1 requirement pursuant to section 402 of the conference report  
2 to accompany S. Con. Res. 95 (108th Congress).

3                   **MILITARY ASSISTANCE**

4                   **FUNDS APPROPRIATED TO THE PRESIDENT**

5                   **FOREIGN MILITARY FINANCING PROGRAM**

6         *For an additional amount for “Foreign Military Fi-*  
7     *nancing Program”, \$250,000,000: Provided, That the*  
8     *amount provided under this heading is designated as an*  
9     *emergency requirement pursuant to section 402 of the con-*  
10   *fERENCE report to accompany S. Con. Res. 95 (108th Con-*  
11   *gress).*

12                  **PEACEKEEPING OPERATIONS**

13         *For an additional amount for “Peacekeeping Oper-*  
14   *ations”, \$210,000,000, to remain available until September*  
15   *30, 2006, of which \$200,000,000 is for military and other*  
16   *security assistance to coalition partners in Iraq and Af-*  
17   *ghanistan: Provided, That funds appropriated under this*  
18   *heading shall be subject to the regular notification proce-*  
19   *dures of the Committees on Appropriations, except that such*  
20   *notifications shall be submitted no less than five days prior*  
21   *to the obligation of funds: Provided further, That the*  
22   *amount provided under this heading is designated as an*  
23   *emergency requirement pursuant to section 402 of the con-*  
24   *fERENCE report to accompany S. Con. Res. 95 (108th Con-*  
25   *gress).*

## 1           GENERAL PROVISIONS, THIS CHAPTER

## 2           VOLUNTARY CONTRIBUTION

3           SEC. 2101. Section 307(a) of the Foreign Assistance  
4 Act of 1961, as amended (22 U.S.C. 2227), is further  
5 amended by striking “Iraq.”.

## 6           REPORTING REQUIREMENT

7           SEC. 2102. Not later than 60 days after the date of  
8 enactment of this Act, the President shall submit a report  
9 to the Congress detailing: (1) information regarding the  
10 Palestinian security services, including their numbers, ac-  
11 countability, and chains of command, and steps taken to  
12 purge from their ranks individuals with ties to terrorist en-  
13 tities; (2) specific steps taken by the Palestinian Authority  
14 to dismantle the terrorist infrastructure, confiscate unau-  
15 thorized weapons, arrest and bring terrorists to justice, de-  
16 stroy unauthorized arms factories, thwart and preempt ter-  
17 rorist attacks, and cooperate with Israel’s security services;  
18 (3) specific actions taken by the Palestinian Authority to  
19 stop incitement in Palestinian Authority-controlled elec-  
20 tronic and print media and in schools, mosques, and other  
21 institutions it controls, and to promote peace and coexist-  
22 ence with Israel; (4) specific steps the Palestinian Authority  
23 has taken to ensure democracy, the rule of law, and an inde-  
24 pendent judiciary, and transparent and accountable gov-  
25 ernance; (5) the Palestinian Authority’s cooperation with  
26 United States officials in investigations into the late Pales-

1 tinian leader Yasser Arafat's finances; and (6) the amount  
2 of assistance pledged and actually provided to the Pales-  
3 tinian Authority by other donors: Provided, That not later  
4 than 180 days after enactment of this Act, the President  
5 shall submit to the Congress an update of this report: Pro-  
6 vided further, That up to \$5,000,000 of the funds made  
7 available for assistance for the West Bank and Gaza by this  
8 chapter under "Economic Support Fund" shall be used for  
9 an outside, independent evaluation by an internationally  
10 recognized accounting firm of the transparency and ac-  
11 countability of Palestinian Authority accounting proce-  
12 dures and an audit of expenditures by the Palestinian Au-  
13 thority.

14 (RESCISSON OF FUNDS)

15 SEC. 2103. The unexpended balance appropriated by  
16 Public Law 108–11 under the heading "Economic Support  
17 Fund" and made available for Turkey is rescinded.

18 DEMOCRACY EXCEPTION

19 SEC. 2104. Funds appropriated for fiscal year 2005  
20 under the heading "Economic Support Fund" may be made  
21 available for democracy and rule of law programs and ac-  
22 tivities, notwithstanding the provisions of section 574 of di-  
23 vision D of Public Law 108–447.

24 SEC. 2105. The amounts set forth in the eighth proviso  
25 in the Diplomatic and Consular Programs appropriation  
26 in the fiscal year 2005 Departments of Commerce, Justice,

1 *State, the Judiciary, and Related Agencies Appropriations*  
2 *Act (Public Law 108–447, division B) may be subject to*  
3 *reprogramming pursuant to section 605 of that Act.*

4           *MARLA RUZICKA IRAQI WAR VICTIMS FUND*

5       *SEC. 2106. Of the funds appropriated by chapter 2 of*  
6 *title II of Public Law 108–106 under the heading “Iraq*  
7 *Relief and Reconstruction Fund”, not less than \$30,000,000*  
8 *should be made available for assistance for families and*  
9 *communities of Iraqi civilians who have suffered losses as*  
10 *a result of the military operations: Provided, That such as-*  
11 *sistance shall be designated as the “Marla Ruzicka Iraqi*  
12 *War Victims Fund”.*

13           *ASSISTANCE FOR HAITI*

14       *SEC. 2107. Of the funds appropriated by title II, chap-*  
15 *ter 2 of this Act, not less than \$20,000,000 shall be made*  
16 *available for assistance for Haiti: Provided, That this as-*  
17 *sistance should be made available for election assistance,*  
18 *employment and public works projects, and police assist-*  
19 *ance: Provided further, That the obligation of such funds*  
20 *shall be subject to prior consultation with the Committees*  
21 *on Appropriations.*

22           *REPORT ON AFGHAN SECURITY FORCES TRAINING*

23       *SEC. 2108. (a) Notwithstanding any other provision*  
24 *of law, not later than 90 days after the date on which the*  
25 *initial obligation of funds made available in this Act for*  
26 *training Afghan security forces, including police, border se-*

1     *curity guards and members of the Afghan National Army,*  
2     *is made, the Secretary of State, in conjunction with the Sec-*  
3     *retary of Defense, shall submit to the appropriate congres-*  
4     *sional committees a report that includes the following:*

5                 *(1) An assessment of whether the individuals*  
6     *who are providing training to Afghan security forces*  
7     *with assistance provided by the United States have*  
8     *proven records of experience in training law enforce-*  
9     *ment or security personnel.*

10                *(2) A description of the procedures of the Depart-*  
11     *ment of State and Department of Defense to ensure*  
12     *that an individual who receives such training—*

13                *(A) does not have a criminal background;*  
14                *(B) is not connected to any criminal or ter-*  
15     *rorist organization, including the Taliban;*  
16                *(C) is not connected to drug traffickers; and*  
17                *(D) meets certain age and experience stand-*  
18     *ards.*

19                *(3) A description of the procedures of the Depart-*  
20     *ment of State and Department of Defense that—*

21                *(A) clearly establish the standards an indi-*  
22     *vidual who will receive such training must meet;*  
23                *(B) clearly establish the training courses*  
24     *that will permit the individual to meet such*  
25     *standards; and*

1                   (C) provide for certification of an individual who meets such standards.

3                   (4) A description of the procedures of the Department of State and Department of Defense to ensure  
4                   the coordination of such training efforts between these  
5                   two Departments.

7                   (5) A description of the methods that will be used  
8                   by the Government of Afghanistan to maintain and  
9                   equip such personnel when such training is completed.

11                  (6) A description of how such training efforts  
12                  will be coordinated with other training programs  
13                  being conducted by the governments of other countries  
14                  or international organizations in Afghanistan.

15                  (b) In this section the term "appropriate congressional  
16                  committees" means the Committee on Appropriations, the  
17                  Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

22                   DARFUR ACCOUNTABILITY

23                  SEC. 2109. (a) It is the sense of the Senate that—

24                  (1) the atrocities unfolding in Darfur, Sudan,  
25                  have been and continue to be genocide;

1                   (2) the United States should immediately seek  
2 passage at the United Nations Security Council of a  
3 resolution that—

4                   (A) imposes additional sanctions or addi-  
5 tional measures against the Government of  
6 Sudan, including sanctions that will affect the  
7 petroleum sector in Sudan, individual members  
8 of the Government of Sudan, and entities con-  
9 trolled or owned by officials of the Government  
10 of Sudan or the National Congress Party in  
11 Sudan, that will remain in effect until such time  
12 as the Government of Sudan fully complies with  
13 all relevant United Nations Security Council res-  
14 olutions;

15                   (B) establishes a military no-fly zone in  
16 Darfur and calls on the Government of Sudan to  
17 immediately withdraw all military aircraft from  
18 the region;

19                   (C) urges member states to accelerate assist-  
20 ance to the African Union force in Darfur, suffi-  
21 cient to achieve the expanded mandate described  
22 in paragraph (5);

23                   (D) calls on the Government of Sudan to co-  
24 operate with, and allow unrestricted movement  
25 in Darfur by, the African Union force, the

1           *United Nations Mission in Sudan (UNMIS),*  
2           *international humanitarian organizations, and*  
3           *United Nations monitors;*

4           *(E) extends the embargo of military equip-*  
5           *ment established by paragraphs 7 through 9 of*  
6           *United Nations Security Council Resolution*  
7           *1556 and expanded by Security Council Resolu-*  
8           *tion 1591 to include a total prohibition of sale*  
9           *or supply to the Government of Sudan; and*

10          *(F) expands the mandate of UNMIS to in-*  
11          *clude the protection of civilians throughout*  
12          *Sudan, including Darfur, and increases the*  
13          *number of UNMIS personnel to achieve such*  
14          *mandate;*

15          *(3) the United States should not provide assist-*  
16          *ance to the Government of Sudan, other than assist-*  
17          *ance necessary for the implementation of the Sudan*  
18          *North-South Peace Agreement, the support of the*  
19          *southern regional government in Sudan, or for hu-*  
20          *manitarian purposes in Sudan, unless the President*  
21          *certifies and reports to Congress that the Government*  
22          *of Sudan has fully complied with all relevant United*  
23          *Nations Security Council resolutions and the condi-*  
24          *tions established by the Comprehensive Peace in*

1       *Sudan Act of 2004 (Public Law 108–497; 118 Stat.*  
2       *4018);*

3                 *(4) the President should work with international*  
4       *organizations, including the North Atlantic Treaty*  
5       *Organization (NATO), the United Nations, and the*  
6       *African Union to undertake action as soon as prac-*  
7       *ticable to eliminate the ability of the Government of*  
8       *Sudan to engage in aerial bombardment of civilians*  
9       *in Darfur and establish mechanisms for the enforce-*  
10      *ment of a no-fly zone in Darfur;*

11                 *(5) the African Union should extend its mandate*  
12      *in Darfur to include the protection of civilians and*  
13      *proactive efforts to prevent violence;*

14                 *(6) the President should accelerate assistance to*  
15      *the African Union in Darfur and discussions with the*  
16      *African Union, the European Union, NATO, and*  
17      *other supporters of the African Union force on the*  
18      *needs of the African Union force, including assistance*  
19      *for housing, transportation, communications, equip-*  
20      *ment, technical assistance such as training and com-*  
21      *mand and control assistance, and intelligence;*

22                 *(7) the President should appoint a Presidential*  
23      *Envoy for Sudan to support peace, security and sta-*  
24      *bility in Darfur and seek a comprehensive peace*  
25      *throughout Sudan;*

1                   (8) *United States officials, at the highest levels,*  
2                   *should raise the issue of Darfur in bilateral meetings*  
3                   *with officials from other members of the United Na-*  
4                   *tions Security Council and other relevant countries,*  
5                   *with the aim of passing a United Nations Security*  
6                   *Council resolution described in paragraph (2) and*  
7                   *mobilizing maximum support for political, financial,*  
8                   *and military efforts to stop the genocide in Darfur;*  
9                   *and*

10                  (9) *the United States should actively participate*  
11                  *in the UN Committee and the Panel of Experts estab-*  
12                  *lished pursuant to Security Council Resolution 1591,*  
13                  *and work to support the Secretary-General and the*  
14                  *United Nations High Commissioner for Human*  
15                  *Rights in their efforts to increase the number and de-*  
16                  *ployment rate of human rights monitors to Darfur.*

17                  (b)(1) *At such time as the United States has access*  
18                  *to any of the names of those named by the UN Commission*  
19                  *of Inquiry or those designated by the UN Committee the*  
20                  *President shall—*

21                  (A) *submit to the appropriate congressional com-*  
22                  *mittees a report listing such names;*

23                  (B) *determine whether the individuals named by*  
24                  *the UN Commission of Inquiry or designated by the*

1       UN Committee have committed the acts for which  
2       they were named or designated;

3                 (C) except as described under paragraph (2),  
4       take such action as may be necessary to immediately  
5       freeze the funds and other assets belonging to those  
6       named by the UN Commission of Inquiry and those  
7       designated by the UN Commission, their family mem-  
8       bers, and any assets or property that such individuals  
9       transferred on or after July 1, 2002, including requir-  
10      ing that any United States financial institution hold-  
11      ing such funds and assets promptly report those funds  
12      and assets to the Office of Foreign Assets Control; and

13                 (D) except as described under paragraph (2),  
14       deny visas and entry to those named by the UN Com-  
15       mission of Inquiry and those designated by the UN  
16       Commission, their family members, and anyone the  
17       President determines has been, is, or may be plan-  
18       ning, carrying out, responsible for, or otherwise in-  
19       volved in crimes against humanity, war crimes, or  
20       genocide in Darfur, Sudan.

21                 (2) The President may elect not to take action de-  
22       scribed in paragraphs (1)(C) and (1)(D) if the President  
23       submits to the appropriate congressional committee, a re-  
24       port—

1                   (A) naming the individual or individuals named  
2       by the UN Commission of Inquiry or designated by  
3       the UN Committee with respect to whom the President  
4       has made such election, on behalf of the individual or  
5       the individual's family member or associate; and

6                   (B) describing the reasons for such election, and  
7       including the determination described in paragraph  
8       (1)(B).

9                   (3) Not later than 30 days after United States has ac-  
10 cess to any of the names of those named by the UN Commis-  
11 sion of Inquiry or those designated by the UN Committee,  
12 the President shall submit to the appropriate congressional  
13 committees notification of the sanctions imposed under  
14 paragraphs (1)(C) and (1)(D) and the individuals affected,  
15 or the report described in paragraph (2).

16                   (4) Not later than 30 days prior to waiving the sanc-  
17 tions provisions of any other Act with regard to Sudan,  
18 the President shall submit to the appropriate congressional  
19 committees a report describing the waiver and the reasons  
20 for such waiver.

21                   (c)(1) The Secretary of State, in conjunction with the  
22 Secretary of Defense, shall report to the appropriate con-  
23 gressional committees on efforts to deploy an African Union  
24 force in Darfur, the capacity of such force to stabilize  
25 Darfur and protect civilians, the needs of such force to

1 achieve such mission including housing, transportation,  
2 communications, equipment, technical assistance, including  
3 training and command and control, and intelligence, and  
4 the status of United States and other assistance to the Afri-  
5 can Union force.

6 (2)(A) The report described in paragraph (1) shall be  
7 submitted every 90 days during the 1-year period beginning  
8 on the date of the enactment of this Act, or until such time  
9 as the President certifies that the situation in Darfur is  
10 stable and that civilians are no longer in danger and that  
11 the African Union is no longer needed to prevent a resump-  
12 tion of violence and attacks against civilians.

13 (B) After such 1-year period, and if the President has  
14 not made the certification described in subparagraph (A),  
15 the report described in paragraph (1) shall be included in  
16 the report required under section 8(b) of the Sudan Peace  
17 Act (50 U.S.C. 1701 note), as amended by section 5(b) of  
18 the Comprehensive Peace in Sudan Act of 2004 (Public Law  
19 108-497; 118 Stat. 4018).

20 (d) In this section:

21 (1) The term 'appropriate congressional commit-  
22 tees' means the Committee on Foreign Relations and  
23 the Committee on Appropriations of the Senate and  
24 the Committee on International Relations and the

1       Committee on Appropriations of the House of Rep-  
2       resentatives.

3                 (2) The term “Government of Sudan” means the  
4       National Congress Party-led government in Khar-  
5       toum, Sudan, or any successor government formed on  
6       or after the date of the enactment of this title.

7                 (3) The term “member states” means the member  
8       states of the United Nations.

9                 (4) The term “Sudan North-South Peace Agree-  
10      ment” means the comprehensive peace agreement  
11      signed by the Government of Sudan and the Sudan  
12      People’s Liberation Army/Movement on January 9,  
13      2005.

14                 (5) The term “those named by the UN Commis-  
15      sion of Inquiry” means those individuals whose  
16      names appear in the sealed file delivered to the Sec-  
17      retary-General of the United Nations by the Inter-  
18      national Commission of Inquiry on Darfur to the  
19      United Nations Security Council.

20                 (6) The term “UN Committee” means the Com-  
21      mittee of the Security Council established in United  
22      Nations Security Council Resolution 1591 (29 March  
23      2005); paragraph 3.

24                                  CANDIDATE COUNTRIES

25       SEC. 2110. Section 616(b)(1) of the Millennium Chal-  
26      lenge Act of 2003 (Public Law 108–199) is amended—

1                   (1) by striking “subparagraphs (A) and (B) of  
2 section 606(a)(1)”; and  
3                   (2) inserting in lieu thereof “subsection (a) or  
4 (b) of section 606”.

5                   SUDAN

6        SEC. 2111. *Of the funds appropriated in this Act for*  
7    “Contributions for International Peacekeeping Activities”,  
8   \$90,500,000 may be made available for assistance for  
9 Darfur, Sudan: Provided, That within these amounts,  
10 \$50,000,000 may be transferred to “Peacekeeping Oper-  
11 ations” for support of the efforts of the African Union to  
12 halt genocide and other atrocities in Darfur, Sudan: Pro-  
13 vided further, That \$40,500,000 may be transferred to  
14 “International Disaster and Famine Assistance” for assist-  
15 ance for Darfur, Sudan and other African countries.

16       TITLE III—DOMESTIC APPROPRIATIONS FOR

17                   THE WAR ON TERROR

18                   CHAPTER 1

19                   DEPARTMENT OF JUSTICE

20                   GENERAL ADMINISTRATION

21                   OFFICE OF INSPECTOR GENERAL

22        For an additional amount for “Office of Inspector  
23 General”, \$2,500,000, to remain available until September  
24 30, 2006: Provided, That the amount provided under this  
25 heading is designated as an emergency requirement pursu-

1 ant to section 402 of the conference report to accompany  
2 S. Con. Res. 95 (108th Congress).

3 **UNITED STATES MARSHALS SERVICE**

4 **SALARIES AND EXPENSES**

5 For an additional amount for “Salaries and Ex-  
6 penses”, \$11,935,000, for increased judicial security outside  
7 of courthouse facilities, including priority consideration of  
8 home intrusion detection systems in the homes of federal  
9 judges, to remain available until September 30, 2006: Pro-  
10 vided, That the amount provided under this heading is des-  
11 ignated as an emergency requirement pursuant to section  
12 402 of the conference report to accompany S. Con. Res. 95  
13 (108th Congress).

14 **FEDERAL BUREAU OF INVESTIGATION**

15 **SALARIES AND EXPENSES**

16 For an additional amount for “Salaries and Ex-  
17 penses”, \$66,512,000, to remain available until September  
18 30, 2006: Provided, That the amount provided under this  
19 heading is designated as an emergency requirement pursu-  
20 ant to section 402 of the conference report to accompany  
21 S. Con. Res. 95 (108th Congress).

22 In addition, notwithstanding any other provision of  
23 law, the Federal Bureau of Investigation shall have the au-  
24 thority to execute a lease of up to 160,000 square feet of

1 space for the Terrorist Screening Center within the Wash-  
2 ington, D.C. Metropolitan area.

3           ***DRUG ENFORCEMENT ADMINISTRATION***

4           ***SALARIES AND EXPENSES***

5       *For an additional amount for “Salaries and Ex-*  
6 *penses”, \$7,648,000, to remain available until September*  
7 *30, 2006: Provided, That the amount provided under this*  
8 *heading is designated as an emergency requirement pursu-*  
9 *ant to section 402 of the conference report to accompany*  
10 *S. Con. Res. 95 (108th Congress).*

11           ***BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND***

12           ***EXPLOSIVES***

13           ***SALARIES AND EXPENSES***

14       *For an additional amount for “Salaries and Ex-*  
15 *penses”, \$5,100,000, to remain available until September*  
16 *30, 2006: Provided, That the amount provided under this*  
17 *heading is designated as an emergency requirement pursu-*  
18 *ant to section 402 of the conference report to accompany*  
19 *S. Con. Res. 95 (108th Congress).*

20           ***CHAPTER 2***

21           ***DEPARTMENT OF ENERGY***

22           ***NATIONAL NUCLEAR SECURITY ADMINISTRATION***

23           ***WEAPONS ACTIVITIES***

24       *For an additional amount for “Weapons Activities”,*  
25 *\$26,000,000, to remain available until expended: Provided,*

1 *That the amount provided under this heading is designated*  
2 *as an emergency requirement pursuant to section 402 of*  
3 *the conference report to accompany S. Con. Res. 95 (108th*  
4 *Congress).*

5 **DEFENSE NUCLEAR NONPROLIFERATION**

6 *For an additional amount for “Defense Nuclear Non-*  
7 *proliferation”, \$84,000,000, to remain available until ex-*  
8 *pended: Provided, That the amount provided under this*  
9 *heading is designated as an emergency requirement pursu-*  
10 *ant to section 402 of the conference report to accompany*  
11 *S. Con. Res. 95 (108th Congress).*

12 **CHAPTER 3**

13 **DEPARTMENT OF HOMELAND SECURITY**

14 **IMMIGRATION AND CUSTOMS ENFORCEMENT**

15 **SALARIES AND EXPENSES**

16 *For an additional amount for “Salaries and Ex-*  
17 *penses”, \$276,000,000, of which not less than \$11,000,000*  
18 *shall be available for the costs of increasing by no less than*  
19 *seventy-nine the level of full-time equivalents on board on*  
20 *the date of enactment of this Act: Provided, That the*  
21 *amount provided under this heading is designated as an*  
22 *emergency requirement pursuant to section 402 of the con-*  
23 *ference report to accompany S. Con. Res. 95 (108th Con-*  
24 *gress).*

## **1 REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR 2 PROGRAMS**

3        *The amount for "Diplomatic and Consular Programs"*  
4    under chapter 2 of title II shall be \$357,700,000.

5           *IMMIGRATION AND CUSTOMS ENFORCEMENT*  
6           *SALARIES AND EXPENSES*

7       For an additional amount for “Salaries and Ex-  
8   penses”, \$389,613,000, of which \$128,000,000, to remain  
9   available until September 30, 2006, shall be available for  
10   the enforcement of immigration and customs laws, deten-  
11   tion and removal, and investigations, including the hiring  
12   of immigration investigators, enforcement agents, and de-  
13   portation officers, and the provision of detention bed space,  
14   and of which the Assistant Secretary for Immigration and  
15   Customs Enforcement shall transfer (1) \$179,745,000, to  
16   Customs and Border Protection, to remain available until  
17   September 30, 2006, for “SALARIES AND EXPENSES”, for  
18   the hiring of Border Patrol agents and related mission sup-  
19   port expenses and continued operation of unmanned aerial  
20   vehicles along the Southwest Border; (2) \$67,438,000, to  
21   Customs and Border Protection, to remain available until  
22   expended, for “CONSTRUCTION”; (3) \$10,471,000, to the  
23   Federal Law Enforcement Training Center, to remain  
24   available until September 30, 2006, for “SALARIES AND EX-  
25   PENSES”; and (4) \$3,959,000, to the Federal Law Enforce-

1   ment Training Center, to remain available until expended,  
2   for “ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND  
3   RELATED EXPENSES”, for the provision of training at the  
4   Border Patrol Academy.

5                   **UNITED STATES COAST GUARD**

6                   **OPERATING EXPENSES**

7       For an additional amount for “Operating Expenses”,  
8   \$111,950,000: Provided, That the amount provided under  
9   this heading is designated as an emergency requirement  
10   pursuant to section 402 of the conference report to accom-  
11   pany S. Con. Res. 95 (108th Congress).

12                  **ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS**

13       For an additional amount for “Acquisition, Construc-  
14   tion, and Improvements”, \$49,200,000, to remain available  
15   until September 30, 2007: Provided, That the amount pro-  
16   vided under this heading is designated as an emergency re-  
17   quirement pursuant to section 402 of the conference report  
18   to accompany S. Con. Res. 95 (108th Congress).

19                  **CUSTOMS AND BORDER PROTECTION**

20                  **SALARIES AND EXPENSES**

21       For an additional amount for “Salaries and Ex-  
22   penses”, for hiring border patrol agents, \$105,451,000: Pro-  
23   vided, That the amount provided under this heading is des-  
24   gnated as an emergency requirement pursuant to section

1 402 of the conference report to accompany S. Con. Res. 95  
2 (108th Congress).

3                   **CONSTRUCTION**

4       For an additional amount for “Construction”,  
5 \$41,500,000, to remain available until expended: Provided,  
6 That the amount provided under this heading is designated  
7 as an emergency requirement pursuant to section 402 of  
8 the conference report to accompany S. Con. Res. 95 (108th  
9 Congress).

10                  **REDUCTION IN FUNDING**

11     The amount appropriated by title II for “Contribu-  
12 tions to International Peacekeeping Activities” is hereby re-  
13 duced by \$146,951,000 and the total amount appropriated  
14 by title II is hereby reduced by \$146,951,000.

15                  **CHAPTER 4**

16                  **CAPITOL POLICE**

17                  **SALARIES**

18       For an additional amount for salaries of employees of  
19 the Capitol Police, including overtime, hazardous duty pay  
20 differential, and Government contributions for health, re-  
21 tirement, social security, professional liability insurance,  
22 and other applicable employee benefits, \$10,000,000, to re-  
23 main available until expended: Provided, That the amount  
24 provided under this heading is designated as an emergency

1 requirement pursuant to section 402 of the conference report  
2 to accompany S. Con. Res. 95 (108th Congress).

3 EXPENSES

4 For an additional amount for necessary expenses of  
5 the Capitol Police, \$13,300,000, to remain available until  
6 expended: Provided, That the amount provided under this  
7 heading is designated as an emergency requirement pursu-  
8 ant to section 402 of the conference report to accompany  
9 S. Con. Res. 95 (108th Congress).

10 ARCHITECT OF THE CAPITOL

11 CAPITOL POLICE BUILDINGS AND GROUNDS

12 For an additional amount for Capitol Police Build-  
13 ings and Grounds, \$23,000,000, to remain available until  
14 September 30, 2010: Provided, That the amount provided  
15 under this heading is designated as an emergency require-  
16 ment pursuant to section 402 of the conference report to  
17 accompany S. Con. Res. 95 (108th Congress).

18 TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

19 CHAPTER 1

20 DEPARTMENT OF COMMERCE

21 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

22 OPERATIONS, RESEARCH, AND FACILITIES

23 For an additional amount for “Operations, Research,  
24 and Facilities”, \$7,070,000, to remain available until Sep-  
25 tember 30, 2007, for United States tsunami warning capa-

1   **bilities and operations:** *Provided, That the amount provided*  
2   *under this heading is designated as an emergency require-*  
3   *ment pursuant to section 402 of the conference report to*  
4   *accompany S. Con. Res. 95 (108th Congress).*

5                  **PROCUREMENT, ACQUISITION AND CONSTRUCTION**

6        *For an additional amount for “Procurement, Acquisi-*  
7   *tion and Construction”, \$10,170,000, to remain available*  
8   *until September 30, 2008, for United States tsunami warn-*  
9   *ing capabilities: Provided, That the amount provided under*  
10   *this heading is designated as an emergency requirement*  
11   *pursuant to section 402 of the conference report to accom-*  
12   *pany S. Con. Res. 95 (108th Congress).*

13                  **CHAPTER 2**

14                  **DEPARTMENT OF DEFENSE—MILITARY**

15                  **OPERATION AND MAINTENANCE**

16                  **OPERATION AND MAINTENANCE, NAVY**

17        *For an additional amount for “Operation and Mainte-*  
18   *nance, Navy”, \$124,100,000: Provided, That the amount*  
19   *provided under this heading is designated as an emergency*  
20   *requirement pursuant to section 402 of the conference report*  
21   *to accompany S. Con. Res. 95 (108th Congress).*

22                  **OPERATION AND MAINTENANCE, MARINE CORPS**

23        *For an additional amount for “Operation and Mainte-*  
24   *nance, Marine Corps”, \$2,800,000: Provided, That the*  
25   *amount provided under this heading is designated as an*  
26   *emergency requirement pursuant to section 402 of the con-*

1 conference report to accompany S. Con. Res. 95 (108th Con-  
2 gress).

3           *OPERATION AND MAINTENANCE, AIR FORCE*  
4        *For an additional amount for “Operation and Mainte-*  
5    *nance, Air Force”, \$30,000,000: Provided, That the amount*  
6   *provided under this heading is designated as an emergency*  
7   *requirement pursuant to section 402 of the conference report*  
8   *to accompany S. Con. Res. 95 (108th Congress).*

9           *OPERATION AND MAINTENANCE, DEFENSE-WIDE*  
10      *For an additional amount for “Operation and Mainte-*  
11     *nance, Defense-Wide”, \$29,150,000: Provided, That the*  
12   *amount provided under this heading is designated as an*  
13   *emergency requirement pursuant to section 402 of the con-*  
14   *ference report to accompany S. Con. Res. 95 (108th Con-*  
15   *gress).*

16       *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*  
17      *For an additional amount for “Overseas Humaniti-*  
18     *tarian, Disaster, and Civic Aid”, \$36,000,000, to remain*  
19   *available until September 30, 2006: Provided, That the*  
20   *amount provided under this heading is designated as an*  
21   *emergency requirement pursuant to section 402 of the con-*  
22   *ference report to accompany S. Con. Res. 95 (108th Con-*  
23   *gress).*

1     *OTHER DEPARTMENT OF DEFENSE PROGRAMS*2                 *DEFENSE HEALTH PROGRAM*

3     *For an additional amount for “Defense Health Pro-*  
4     *gram”, \$3,600,000 for Operation and maintenance: Pro-*  
5     *vided, That the amount provided under this heading is des-*  
6     *ignated as an emergency requirement pursuant to section*  
7     *402 of the conference report to accompany S. Con. Res. 95*  
8     *(108th Congress).*

9                 *CHAPTER 3*10         *DEPARTMENT OF HOMELAND SECURITY*11         *UNITED STATES COAST GUARD*12         *OPERATING EXPENSES*

13     *For an additional amount for “Operating Expenses”,*  
14     *\$350,000: Provided, That the amount provided under this*  
15     *heading is designated as an emergency requirement pursu-*  
16     *ant to section 402 of the conference report to accompany*  
17     *S. Con. Res. 95 (108th Congress).*

18                 *CHAPTER 4*19         *DEPARTMENT OF THE INTERIOR*20         *UNITED STATES GEOLOGICAL SURVEY*21         *SURVEYS, INVESTIGATIONS, AND RESEARCH*

22     *For an additional amount for “Surveys, Investiga-*  
23     *tions, and Research”, \$8,100,000, to remain available until*  
24     *September 30, 2006: Provided, That the amount provided*  
25     *under this heading is designated as an emergency require-*

1 ment pursuant to section 402 of the conference report to  
2 accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

#### **4 FUNDS APPROPRIATED TO THE PRESIDENT**

## **5 OTHER BILATERAL ASSISTANCE**

## 6 TSUNAMI RECOVERY AND RECONSTRUCTION FUND

8       For necessary expenses to carry out the Foreign Assist-  
9 ance Act of 1961, for emergency relief, rehabilitation, and  
10 reconstruction aid to countries affected by the tsunami and  
11 earthquakes of December 2004 and March 2005, and the  
12 Avian influenza virus, \$656,000,000, to remain available  
13 until September 30, 2006: Provided, That these funds may  
14 be transferred by the Secretary of State to Federal agencies  
15 or accounts for any activity authorized under part I (in-  
16 cluding chapter 4 of part II) of the Foreign Assistance Act,  
17 or under the Agricultural Trade Development and Assist-  
18 ance Act of 1954, to accomplish the purposes provided here-  
19 in: Provided further, That upon a determination that all  
20 or part of the funds so transferred from this appropriation  
21 are not necessary for the purposes provided herein, such  
22 amounts may be transferred back to this appropriation:  
23 Provided further, That funds appropriated under this head-  
24 ing may be used to reimburse fully accounts administered  
25 by the United States Agency for International Development

1 for obligations incurred for the purposes provided under  
2 this heading prior to enactment of this Act, including Pub-  
3 lic Law 480 Title II grants: Provided further, That of the  
4 amounts provided herein: up to \$10,000,000 may be trans-  
5 ferred to and consolidated with "Development Credit Au-  
6 thority" for the cost of direct loans and loan guarantees  
7 as authorized by sections 256 and 635 of the Foreign Assis-  
8 tance Act of 1961 in furtherance of the purposes of this head-  
9 ing; up to \$20,000,000 may be transferred to and consoli-  
10 dated with "Operating Expenses of the United States Agen-  
11 cy for International Development", of which up to  
12 \$2,000,000 may be used for administrative expenses to  
13 carry out credit programs administered by the United  
14 States Agency for International Development in furtherance  
15 of the purposes of this heading; up to \$100,000,000 may  
16 be transferred to and consolidated with "Operating Ex-  
17 penses of the United States Agency for International Devel-  
18 opment Office of Inspector General"; and up to \$5,000,000  
19 may be transferred to and consolidated with "Emergencies  
20 in the Diplomatic and Consular Service" for the purpose  
21 of providing support services for United States citizen vic-  
22 tims and related operations: Provided further, That of the  
23 funds appropriated under this heading, not less than  
24 \$5,000,000 shall be made available for environmental recov-  
25 ery activities in tsunami affected countries: Provided fur-

1   ther; *That of the funds appropriated under this heading,*  
2   *not less than \$10,000,000 should be made available for pro-*  
3   *grams and activities which create new economic opportuni-*  
4   *ties for women: Provided further, That of the funds appro-*  
5   *priated under this heading, not less than \$12,000,000*  
6   *should be made available for programs to address the needs*  
7   *of people with physical and mental disabilities resulting*  
8   *from the tsunami: Provided further, That of the funds ap-*  
9   *propriated under this heading, not less than \$25,000,000*  
10   *should be made available to support initiatives that focus*  
11   *on the immediate and long-term needs of children for pro-*  
12   *tection and permanency, including the registration of unac-*  
13   *companied children, the reunification of children with their*  
14   *immediate or extended families, assistance to improve the*  
15   *capacity of governments and appropriate private entities*  
16   *to facilitate domestic and international adoption of or-*  
17   *phaned children, the protection of women and children from*  
18   *violence and exploitation, and activities designed to prevent*  
19   *the capture of children by armed forces and promote the*  
20   *integration of war affected youth: Provided further, That*  
21   *of the funds appropriated under this heading, not less than*  
22   *\$20,000,000 should be made available for microcredit pro-*  
23   *grams in countries affected by the tsunami, to be adminis-*  
24   *tered by the United States Agency for International Devel-*  
25   *opment: Provided further, That of the funds appropriated*

1 under this heading, not less than \$25,000,000 shall be made  
2 available for programs to prevent the spread of the Avian  
3 influenza virus, to be administered by the United States  
4 Agency for International Development: Provided further,  
5 That of the funds appropriated under this heading,  
6 \$1,500,000 shall be made available for trafficking in per-  
7 sons monitoring and prevention programs and activities in  
8 tsunami affected countries: Provided further, That funds  
9 appropriated under this heading shall be made subject to  
10 the regular notification procedures of the Committees on  
11 Appropriations, except that such notifications shall be sub-  
12 mitted no less than five days prior to the obligation of  
13 funds: Provided further, That the President is hereby au-  
14 thorized to defer and reschedule for such period as he may  
15 deem appropriate any amounts owed to the United States  
16 or any agency of the United States by those countries sig-  
17 nificantly affected by the tsunami and earthquakes of De-  
18 cember 2004, including the Republic of Indonesia, the Re-  
19 public of Maldives and the Democratic Socialist Republic  
20 of Sri Lanka: Provided further, That of the funds appro-  
21 priated under this heading, up to \$45,000,000 may be made  
22 available for the modification costs, as defined in section  
23 502 of the Congressional Budget Act of 1974, if any, associ-  
24 ated with any deferral and rescheduling authorized under  
25 this heading: Provided further, That such amounts shall not

1   be considered “assistance” for the purposes of provisions of  
2   law limiting assistance to any such affected country: Pro-  
3   vided further, That the amount provided under this heading  
4   is designated as an emergency requirement pursuant to sec-  
5   tion 402 of the conference report to accompany S. Con. Res.  
6   95 (108th Congress).

7                 GENERAL PROVISIONS, THIS CHAPTER

8                             ANNUAL LIMITATION

9                 SEC. 4501. Amounts made available pursuant to sec-  
10   tion 492(b) of the Foreign Assistance Act of 1961, as  
11   amended (22 U.S.C. 2292a), to address relief and rehabili-  
12   tation needs for countries affected by the Indian Ocean tsu-  
13   nami and earthquakes of December 2004 and March 2005,  
14   prior to the enactment of this Act, shall be in addition to  
15   the amount that may be obligated in fiscal year 2005 under  
16   that section.

17                             AUTHORIZATION OF FUNDS

18                 SEC. 4502. Funds appropriated by this chapter and  
19   chapter 2 of title II may be obligated and expended notwith-  
20   standing section 15 of the State Department Basic Authori-  
21   ties Act of 1956, section 313 of the Foreign Relations Au-  
22   thorization Act, Fiscal Years 1994 and 1995 (Public Law  
23   103–236), section 10 of Public Law 91–672 (22 U.S.C.  
24   2412), and section 504(a)(1) of the National Security Act  
25   of 1947 (50 U.S.C. 414(a)(1)).

1    **TITLE V—OTHER EMERGENCY APPROPRIATIONS**2                   **CHAPTER 1**3                   **DEPARTMENT OF AGRICULTURE**4                   **COOPERATIVE STATE RESEARCH, EDUCATION, AND**5                   **EXTENSION SERVICE**6                   **RESEARCH AND EDUCATION ACTIVITIES**

7        *For an additional amount for “Research and Education Activities” to provide a grant to the University of Hawaii to partially offset the cost of damages to the research and educational resources of the College of Tropical Agriculture and Human Resources incurred as a result of the catastrophic flood that occurred on October 30, 2004, as authorized by law, \$3,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

18                   **NATURAL RESOURCES CONSERVATION SERVICE**19                   **EMERGENCY WATERSHED PROTECTION PROGRAM**

20        *For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to the waterways and watersheds resulting from natural disasters, \$103,000,000, to remain available until expended: Provided, That of the amount provided, no less*

1 than \$66,000,000 shall be for eligible work in the State of  
2 Utah: Provided further, That notwithstanding any other  
3 provision of law, the Secretary of Agriculture shall count  
4 local financial and technical resources, including in-kind  
5 materials and services, contributed toward recovery from  
6 the flooding events of January 2005 in Washington County,  
7 Utah, toward local matching requirements for the emer-  
8 gency watershed protection program assistance provided to  
9 Washington County, Utah: Provided further, That the  
10 amount provided under this heading is designated as an  
11 emergency requirement pursuant to section 402 of the con-  
12 ference report to accompany S. Con. Res. 95 (108th Con-  
13 gress).

14           **GENERAL PROVISIONS, THIS CHAPTER**

15           **RURAL HOUSING SERVICE**

16        SEC. 5101. Hereafter, notwithstanding any other pro-  
17 vision of law, the Secretary of Agriculture may transfer any  
18 unobligated amounts made available under the heading  
19 “Rural Housing Service”, “Rural Housing Insurance Fund  
20 Program Account” in chapter 1 of title II of Public Law  
21 106–246 (114 Stat. 540) to the Rural Housing Service  
22 “Rental Assistance Program” account for projects in North  
23 Carolina: Provided, That the amounts made available by  
24 the transfer of funds in or pursuant to this section are des-  
25 ignated as an emergency requirement pursuant to section

1 402 of the conference report to accompany S. Con. Res. 95  
2 (108th Congress).

3 RURAL HOUSING ASSISTANCE GRANTS

4 SEC. 5102. The Secretary of Agriculture shall consider  
5 the Village of New Miami (Ohio) to be eligible for loans  
6 and grants provided through the Rural Housing Assistance  
7 Grants program.

8 NATURAL RESOURCES CONSERVATION SERVICE

9 SEC. 5103. (a) Notwithstanding any other provision  
10 of law, the Natural Resources Conservation Service shall  
11 provide financial and technical assistance to carry out  
12 measures (including research, engineering operations, meth-  
13 ods of cultivation, the growing of vegetation, rehabilitation  
14 of existing works, and changes in the use of land) to prevent  
15 damage to the Manoa watershed in Hawaii.

16 (b) There is hereby appropriated \$15,000,000, to re-  
17 main available until expended, to carry out provisions of  
18 subsection (a): Provided, That the amounts provided under  
19 this section are designated as an emergency requirement  
20 pursuant to section 402 of the conference report to accom-  
21 pany S. Con. Res. 95 (108th Congress).

22 WATERSHED PROJECTS IN WEST VIRGINIA

23 SEC. 5104. Of the amount provided to the Secretary  
24 of Agriculture under the Consolidated Appropriations Act,  
25 2005 (Public Law 108-447) for the Lost River Watershed  
26 project, West Virginia, \$4,000,000 may be transferred to the

1   *Upper Tygart Watershed project, West Virginia, to be used*  
2   *under the same terms and conditions under which funds*  
3   *for that project were appropriated in section 735 of the Con-*  
4   *solidated Appropriations Act, 2004 (Public Law 108-199;*  
5   *118 Stat. 36).*

6                                  *FARM SERVICE AGENCY*

7         *SEC. 5105. The funds made available in section 786*  
8         *of title VII of the Agriculture, Rural Development, Food*  
9         *and Drug Administration, and Related Agencies Approp-*  
10         *priations Act, 2005 as contained in division A of the Con-*  
11         *solidated Appropriations Act, 2005 (Public Law 108-447)*  
12         *may be applied to accounts of Alaska dairy farmers owed*  
13         *to the Secretary of Agriculture.*

14                                  *CHAPTER 2*

15                                  *DEPARTMENT OF THE INTERIOR*

16                                  *DEPARTMENTAL MANAGEMENT*

17                                  *SALARIES AND EXPENSES*

18         *For an additional amount for "Departmental Manage-*  
19         *ment", \$3,000,000 to support deployment of business sys-*  
20         *tems to the bureaus and offices of the Department of the*  
21         *Interior, including the Financial and Business Manage-*  
22         *ment System: Provided, That the amount provided under*  
23         *this heading is designated as an emergency requirement*  
24         *pursuant to section 402 of the conference report to accom-*  
25         *pany S. Con. Res. 95 (108th Congress).*

1           *DEPARTMENT OF AGRICULTURE*2           *FOREST SERVICE*3           *NATIONAL FOREST SYSTEM*

4       *For an additional amount for “National Forest Sys-*  
5   *tem” to pay necessary expenses of the Forest Service to re-*  
6   *store land and facilities in the State of California damaged*  
7   *by torrential rainfall during fiscal year 2005, \$2,410,000:*  
8   *Provided, That the amount provided under this heading is*  
9   *designated as an emergency requirement pursuant to sec-*  
10   *tion 402 of the conference report to accompany S. Con. Res.*  
11   *95 (108th Congress).*

12           *CAPITAL IMPROVEMENT AND MAINTENANCE*

13       *For an additional amount for “Capital Improvement*  
14   *and Maintenance” to pay necessary expenses of the Forest*  
15   *Service to construct, repair, decommission, and maintain*  
16   *forest roads and trails in the Angeles National Forest,*  
17   *Cleveland National Forest, Los Padres National Forest, and*  
18   *San Bernardino National Forest, \$31,980,000: Provided,*  
19   *That the amount provided under this heading is designated*  
20   *as an emergency requirement pursuant to section 402 of*  
21   *the conference report to accompany S. Con. Res. 95 (108th*  
22   *Congress).*

1                   *CHAPTER 3*  
2        *DEPARTMENT OF HEALTH AND HUMAN*  
3                   *SERVICES*

4                   *OFFICE OF THE SECRETARY*

5    *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*  
6                   *(INCLUDING RESCISSIONS OF FUNDS)*

7        *For an additional amount for the “Public Health and*  
8    *Social Services Emergency Fund” in title II of Public Law*  
9    *108–447, \$10,000,000, to remain available until expended,*  
10   *for infrastructure grants to improve the supply of domesti-*  
11   *cally produced vaccine: Provided, That the entire amount*  
12   *is designated as an emergency requirement pursuant to sec-*  
13   *tion 402 of the conference report to accompany S. Con. Res.*  
14   *95 (108th Congress): Provided further, That under the head-*  
15   *ing “Health Resources and Services Administration, Health*  
16   *Resources and Services”, the unobligated balance for the*  
17   *Health Professions Teaching Facilities Program authorized*  
18   *in sections 726 and 805 of the Public Health Service Act;*  
19   *the unobligated balance of the Health Teaching Construc-*  
20   *tion Interest Subsidy Program authorized in section 726*  
21   *and title XVI of the Public Health Service Act; and the un-*  
22   *obligated balance of the AIDS Facilities Renovation and*  
23   *Support Program authorized in title XVI of the Public*  
24   *Health Service Act are all hereby rescinded: Provided fur-*  
25   *ther, That under the heading “Office of the Secretary, Office*  
26   *of the Inspector General”, the unobligated balance of the*

1 *Medicaid Fraud Control Program authorized in section*  
2 *1903 of the Social Security Act and appropriated to the*  
3 *Office of the Inspector General in the Department of Health*  
4 *and Human Services is hereby rescinded: Provided further,*  
5 *That under the heading “Assistant Secretary for Health*  
6 *Scientific Activities Overseas (Special Foreign Currency*  
7 *Program)” the unobligated balance of the Scientific Activi-*  
8 *ties Overseas (Special Foreign Currency Program) account*  
9 *within the Department of Health and Human Services is*  
10 *hereby rescinded.*

11                   ***RELATED AGENCY***

12                   ***INSTITUTE OF MUSEUM LIBRARY SERVICES***

13                   ***OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND***

14                   ***ADMINISTRATION***

15                   *For an additional amount for the “Institute of Mu-*  
16 *seum and Library Services, Office of Museum and Library*  
17 *Services: Grants and Administration”, \$10,000,000, to be*  
18 *available until expended, for the Hamilton Library at the*  
19 *University of Hawaii at Manoa, including replacing the*  
20 *collections at the regional federal depository library: Pro-*  
21 *vided, That the entire amount is designated as an emer-*  
22 *gency requirement pursuant to section 402 of the conference*  
23 *report to accompany S. Con. Res. 95 (108th Congress).*

1                   *CHAPTER 4*2                   *THE JUDICIARY*3                   *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*4                   *JUDICIAL SERVICES*5                   *SALARIES AND EXPENSES*6                   *(INCLUDING TRANSFER OF FUNDS)*7         *For an additional amount for “Salaries and Expenses,*8         *Courts of Appeals, District Courts and Other Judicial Serv-*9         *ices” for unforeseen costs associated with increased immi-*10         *gration-related filings, recent Supreme Court decisions, and*11         *recently enacted legislation, \$65,000,000, to remain avail-*12         *able until September 30, 2006: Provided, That notwith-*13         *standing section 302 of division B of Public Law 108–477,*14         *such sums shall be available for transfer to accounts within*15         *the Judiciary subject to section 605 of said Act: Provided*16         *further, That the amount provided under this heading is*17         *designated as an emergency requirement pursuant to sec-*18         *tion 402 of the conference report to accompany S. Con. Res.*19         *95 (108th Congress).*20                   *DEPARTMENT OF HOUSING AND URBAN*21                   *DEVELOPMENT*22                   *HOUSING PROGRAMS*23                   *HOUSING FOR PERSONS WITH DISABILITIES*24                   *(INCLUDING RESCISSION OF FUNDS)*25         *Of the amount made available under this heading in*26         *Public Law 108–447, \$238,080,000 are rescinded.*

1       *For an additional amount for “Housing for Persons*  
2 *with Disabilities”, \$238,080,000, to remain available until*  
3 *September 30, 2006: Provided, That these funds shall be*  
4 *available under the same terms and conditions as author-*  
5 *ized for funds under this heading in Public Law 108–447.*

## 6 OFFICE OF FEDERAL HOUSING ENTERPRISE

7 *OVERSIGHT*

8 *SALARIES AND EXPENSES*

10       For an additional amount for the “Office of Federal  
11 *Housing Enterprise Oversight*” for carrying out the Federal  
12 *Housing Enterprises Financial Safety and Soundness Act*  
13 of 1992, \$5,000,000 to remain available until expended, to  
14 be derived from the *Federal Housing Enterprises Oversight*  
15 Fund: Provided, That not to exceed the amount provided  
16 herein shall be available from the general fund of the Treas-  
17 ury to the extent necessary to incur obligations and make  
18 expenditures pending the receipt of collections to the Fund:  
19 Provided further, That the general fund amount shall be  
20 reduced as collections are received during the fiscal year  
21 so as to result in a final appropriation from the general  
22 fund estimated at not more than \$0.

## 1           GENERAL PROVISION, THIS CHAPTER

## 2           DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

3           SEC. 5401. (a) Notwithstanding any other provision  
4 of law, the Secretary of Housing and Urban Development  
5 shall make a grant to the University of Hawaii to cover  
6 unreimbursed expenses associated with costs resulting from  
7 the catastrophic flood that occurred on October 30, 2004.

8           (b) There is hereby appropriated \$10,000,000, to re-  
9 main available until expended, to carry out provisions of  
10 subsection (a): Provided, That the amount provided under  
11 this section is designated as an emergency requirement pur-  
12 suant to section 402 of the conference report to accompany  
13 S. Con. Res. 95 (108th Congress).

14           TITLE VI—GENERAL PROVISIONS AND  
15           TECHNICAL CORRECTIONS

16           AVAILABILITY OF FUNDS

17           SEC. 6001. No part of any appropriation contained  
18 in this Act shall remain available for obligation beyond the  
19 current fiscal year unless expressly so provided herein.

20           TRANSFER AUTHORITY—DEPARTMENT OF JUSTICE

21           SEC. 6002. Notwithstanding section 106 of title I of  
22 division B of Public Law 108–447, the Department of Jus-  
23 tice may transfer funds from any Department of Justice  
24 account, except “Buildings and Facilities, Federal Prison  
25 System” and “Office of Justice Programs” accounts, to the  
26 “Detention Trustee” account: Provided, That the notifica-

1 *tion requirement in section 605 of title VI of division B*  
2 *of Public Law 108–447 shall apply to any such transfers.*

3           **SPACE CONSIDERATIONS—FEDERAL BUREAU OF**  
4                           **INVESTIGATION**

5           *SEC. 6003. Notwithstanding any other provision of*  
6 *law, the Special Technologies and Application Section*  
7 *within the Federal Bureau of Investigation shall have the*  
8 *authority to use existing resources to acquire, renovate, and*  
9 *occupy up to 175,000 square feet of additional facility space*  
10 *within its immediate surrounding area.*

11          **TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND**  
12          **ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005**

13          *SEC. 6004. The referenced statement of managers*  
14 *under the heading “National Oceanic and Atmospheric Ad-*  
15 *ministration” in title II of division B of Public Law 108–*  
16 *447 is deemed to be amended after “Bonneau Ferry, SC”*  
17 *by striking “20,000” and inserting “19,200”: Provided,*  
18 *That these amounts are available for transfer to “Response*  
19 *and Restoration Base”.*

20          *SEC. 6005. The referenced statement of managers*  
21 *under the heading “National Oceanic and Atmospheric Ad-*  
22 *ministration” in title II of division B of Public Law 108–*  
23 *447 is deemed to be amended under the heading “Construc-*  
24 *tion/Acquisition, Coastal and Estuarine Land Conservation*  
25 *Program” by striking “Tonner Canyon, CA” and inserting*  
26 *“Tolay Lake, Sonoma County, CA”.*

1 SEC. 6006. The referenced statement of managers  
2 under the heading “National Oceanic and Atmospheric Ad-  
3 ministration” in title II of division B of Public Law 108-  
4 447 is deemed to be amended under the heading “Construc-  
5 tion/Acquisition, Coastal and Estuarine Land Conservation  
6 Program” by striking “Port Aransas Nature Preserve Wet-  
7 lands Project, TX—3,000” and under the heading “Section  
8 2 (FWCA) Coastal/Estuarine Land Acquisition” by insert-  
9 ing “Port Aransas Nature Preserve Wetlands Project, TX—  
10 3,000”.

## **11 LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF**

12 *COLUMBIA*

13        *SEC. 6007. The District of Columbia Appropriations*  
14 *Act, 2005 (Public Law 108-335) approved October 18,*  
15 *2004, is amended as follows:*

(A) in the first sentence by striking  
“\$15,000,000” and inserting “\$42,000,000, to re-  
main available until expended,” in its place,  
and

23           “(5) The amounts may be obligated or expended  
24       only if the Mayor notifies the Committees on Appro-  
25       priations of the House of Representatives and Senate

1       *in writing 30 days in advance of any obligation or*  
2       *expenditure.”.*

3           *(2) By inserting a new section before the short*  
4       *title at the end to read as follows:*

5           *“SEC. 348. The amount appropriated by this Act may*  
6       *be increased by an additional amount of \$206,736,000 (in-*  
7       *cluding \$49,927,000 from local funds and \$156,809,000*  
8       *from other funds) to be transferred by the Mayor of the Dis-*  
9       *trict of Columbia to the various headings under this Act*  
10      *as follows:*

11           *“(1) \$174,927,000 (including \$34,927,000 from*  
12       *local funds and \$140,000,000 from other funds) shall*  
13       *be transferred under the heading ‘Government Direc-*  
14       *tion and Support’: Provided, That of the funds,*  
15       *\$33,000,000 from local funds shall remain available*  
16       *until expended: Provided further, That of the funds,*  
17       *\$140,000,000 from other funds shall remain available*  
18       *until expended and shall only be available in conjunc-*  
19       *tion with revenue from a private or alternative fi-*  
20       *nancing proposal approved pursuant to section 106 of*  
21       *DC Act 15–717, the ‘Ballpark Omnibus Financing*  
22       *and Revenue Act of 2004’ approved by the District of*  
23       *Columbia, December 29, 2004, and*

1           “(2) \$15,000,000 from local funds shall be trans-  
2       ferred under the heading ‘Repayment of Loans and  
3       Interest’, and

4           “(3) \$14,000,000 from other funds shall be trans-  
5       ferred under the heading ‘Sports and Entertainment  
6       Commission’, and

7           “(4) \$2,809,000 from other funds shall be trans-  
8       ferred under the heading ‘Water and Sewer Author-  
9       ity’.”.

10           DE SOTO COUNTY, MISSISSIPPI

11           SEC. 6008. Section 219(f)(30) of the Water Resources  
12       Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757;  
13       113 Stat. 334) is amended by striking “\$20,000,000” and  
14       inserting “\$55,000,000” in lieu thereof, and by striking  
15       “treatment” and inserting “infrastructure” in lieu thereof.

16           SEC. 6009. The Secretary is authorized and directed  
17       to reimburse the non-Federal local sponsor of the project  
18       described in section 219(f)(30) of the Water Resources De-  
19       velopment Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113  
20       Stat. 334) for costs incurred between May 13, 2002 and  
21       September 30, 2005 in excess of the required non-Federal  
22       share if the Secretary determines that such costs were in-  
23       curred for work that is compatible with and integral to the  
24       project: Provided, That the non-Federal local sponsor, at its  
25       option, may choose to accept, in lieu of reimbursement, a

1 credit against the non-Federal share of project costs in-  
2 curred after May 13, 2002.

3 FORT PECK FISH HATCHERY, MONTANA

4 SEC. 6010. Section 325(f)(1)(A) of Public Law 106-  
5 541 is modified by striking “\$20,000,000” and inserting  
6 in lieu thereof “\$25,000,000”.

7 ALI WAI CANAL, HAWAII

8 SEC. 6011. For an amount from within available  
9 funds from “General Investigations” for the expansion of  
10 studies necessitated by severe flooding, up to \$1,800,000, to  
11 remain available until expended.

12 INTERCOASTAL WATERWAY, DELAWARE RIVER TO

13 CHESAPEAKE BAY, SR-1 BRIDGE, DELAWARE

14 SEC. 6012. The first proviso under the heading “Oper-  
15 ation and Maintenance” in title I of division C of Public  
16 Law 108-447 is amended by striking “October 1, 2003, and  
17 September 30, 2004” and inserting “October 1, 2004, and  
18 September 30, 2005”.

19 OFFSHORE OIL AND GAS FABRICATION PORTS

20 SEC. 6013. In determining the economic justification  
21 for navigation projects involving offshore oil and gas fab-  
22 rication ports, the Secretary of the Army, acting through  
23 the Chief of Engineers, is directed to measure and include  
24 in the National Economic Development calculation the  
25 value of future energy exploration and production fabrica-

1 *tion contracts and transportation cost savings that would*  
2 *result from larger navigation channels.*

3 **MC CLELLAN KERR NAVIGATION SYSTEM ADVANCED**

4 **OPERATION AND MAINTENANCE**

5 *SEC. 6014. The last proviso under the heading “Oper-*  
6 *ation and Maintenance” in title I of division C of Public*  
7 *Law 108–447 is amended by striking “Public Law 108–*  
8 *357” and inserting “Public Law 108–137”.*

9 **SILVERY MINNOW OFF-CHANNEL SANCTUARIES**

10 *SEC. 6015. The Secretary of the Interior is authorized*  
11 *to perform such analyses and studies as needed to determine*  
12 *the viability of establishing an off-channel sanctuary for the*  
13 *Rio Grande Silvery Minnow in the Middle Rio Grande Val-*  
14 *ley. In conducting these studies, the Secretary shall take*  
15 *into consideration:*

16 *(1) providing off-channel, naturalistic habitat*  
17 *conditions for propagation, recruitment, and mainte-*  
18 *nance of Rio Grande silvery minnows; and*

19 *(2) minimizing the need for acquiring water or*  
20 *water rights to operate the sanctuary.*

21 *If the Secretary determines the project to be viable, the*  
22 *Secretary is further authorized to design and construct the*  
23 *sanctuary and to thereafter operate and maintain the sanc-*  
24 *tuary. The Secretary may enter into grant agreements, co-*  
25 *operative agreements, financial assistance agreements,*

1 *interagency agreements, and contracts with Federal and*  
2 *non-Federal entities to carry out the purposes of this Act.*

3                   **DESALINATION ACT EXTENSION**

4        *SEC. 6016. Section 8 of Public Law 104–298 (The*  
5 *Water Desalination Act of 1996) (110 Stat. 3624) as*  
6 *amended by section 210 of Public Law 108–7 (117 Stat.*  
7 *146) is amended by—*

8                   *(1) in paragraph (a) by striking “2004” and in-*  
9 *serting in lieu thereof “2009”; and*

10                  *(2) in paragraph (b) by striking “2004” and in-*  
11 *serting in lieu thereof “2009”.*

12                  **AGRICULTURAL AND NATURAL RESOURCES OF THE**

13                  **WALKER RIVER BASIN**

14        *SEC. 6017. (a)(1) Using amounts made available*  
15 *under section 2507 of the Farm and Security Rural Invest-*  
16 *ment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–*  
17 *171), the Secretary of the Interior (referred to in this section*  
18 *as the “Secretary”), acting through the Commissioner of*  
19 *Reclamation, shall provide not more than \$850,000 to pay*  
20 *the State of Nevada’s share of the costs for the Humboldt*  
21 *Project conveyance required under—*

22                  *(A) title VIII of the Clark County Conservation*  
23 *of Public Land and Natural Resources Act of 2002*  
24 *(116 Stat. 2016); and*

1                   (B) section 217(a)(3) of the Energy and Water  
2                   Development Appropriations Act, 2004 (117 Stat.  
3                   1853).

4                   (2) Amounts provided under paragraph (1) may be  
5                   used to pay—

6                   (A) administrative costs;

7                   (B) the costs associated with complying with—

8                   (i) the National Environmental Policy Act  
9                   of 1969 (42 U.S.C. 4321 et seq.); and

10                  (ii) the National Historic Preservation Act  
11                  (16 U.S.C. 470 et seq.); and

12                  (C) real estate transfer costs.

13                  (b)(1) Using amounts made available under section  
14                  2507 of the Farm and Security Rural Investment Act of  
15                  2002 (43 U.S.C. 2211 note; Public Law 107-171), the Sec-  
16                  retary shall provide not more than \$70,000,000 to the Uni-  
17                  versity of Nevada—

18                  (A) to acquire from willing sellers land, water  
19                  appurtenant to the land, and related interests in the  
20                  Walker River Basin, Nevada; and

21                  (B) to establish and administer an agricultural  
22                  and natural resources center, the mission of which  
23                  shall be to undertake research, restoration, and edu-  
24                  cational activities in the Walker River Basin relating  
25                  to—

1                   (i) innovative agricultural water conserva-  
2                   tion;  
3                   (ii) cooperative programs for environmental  
4                   restoration;  
5                   (iii) fish and wildlife habitat restoration;  
6                   and  
7                   (iv) wild horse and burro research and  
8                   adoption marketing.

9               (2) In acquiring land, water, and related interests  
10 under paragraph (1)(A), the University of Nevada shall  
11 make acquisitions that the University determines are the  
12 most beneficial to—

13               (A) the establishment and operation of the agri-  
14 cultural and natural resources research center author-  
15 ized under paragraph (1)(B); and  
16               (B) environmental restoration in the Walker  
17 River Basin.

18               (c)(1) Using amounts made available under section  
19 2507 of the Farm and Security Rural Investment Act of  
20 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Sec-  
21 retary shall provide not more than \$10,000,000 for a water  
22 lease and purchase program for the Walker River Paiute  
23 Tribe.

24               (2) Water acquired under paragraph (1) shall be—

25               (A) acquired only from willing sellers;

1                   (B) designed to maximize water conveyances to  
2                   Walker Lake; and

3                   (C) located only within the Walker River Paiute  
4                   Indian Reservation.

5                   (d) Using amounts made available under section 2507  
6                   of the Farm and Security Rural Investment Act of 2002  
7                   (43 U.S.C. 2211 note; Public Law 107–171), the Secretary,  
8                   acting through the Commissioner of Reclamation, shall pro-  
9                   vide—

10                  (1) \$10,000,000 for tamarisk eradication, ripar-  
11                  ian area restoration, and channel restoration efforts  
12                  within the Walker River Basin that are designed to  
13                  enhance water delivery to Walker Lake, with priority  
14                  given to activities that are expected to result in the  
15                  greatest increased water flows to Walker Lake; and

16                  (2) \$5,000,000 to the United States Fish and  
17                  Wildlife Service, the Walker River Paiute Tribe, and  
18                  the Nevada division of Wildlife to undertake activi-  
19                  ties, to be coordinated by the Director of the United  
20                  States Fish and Wildlife Service, to complete the de-  
21                  sign and implementation of the Western Inland Trout  
22                  Initiative and Fishery Improvements in the State of  
23                  Nevada with an emphasis on the Walker River Basin.

24                   OFFICE OF SCIENCE

25                  SEC. 6018. In division C, title III of the Consolidated  
26                  Appropriations Act, 2005 (Public Law 108–447), the item

1 relating to “Department of Energy, Energy Programs,  
2 Science” is amended by inserting “: Provided, That  
3 \$2,000,000 is provided within available funds to continue  
4 funding for project #DE-FG0204ER63842-04090945, the  
5 Southeast Regional Cooling, Heating and Power and Bio-  
6 Fuel Application Center, and \$3,000,000 is provided from  
7 within available funds for the University of Texas South-  
8 western Medical Center, University of Texas at Dallas  
9 Metroplex Comprehensive Imaging Center: Provided fur-  
10 ther, That within funds made available herein \$500,000 is  
11 provided for the desalination plant technology program at  
12 the University of Nevada-Reno (UNR) and \$500,000 for the  
13 Oral History of the Negotiated Settlement project at UNR:  
14 Provided further, That \$4,000,000 is to be provided from  
15 within available funds to the Fire Sciences Academy in  
16 Elko, Nevada, for purposes of capital debt service” after  
17 “\$3,628,902,000”.

## *WEAPONS ACTIVITIES*

*(INCLUDING TRANSFER OF FUNDS)*

20 SEC. 6019. In division C, title III of the Consolidated  
21 Appropriations Act, 2005 (Public Law 108-447), the item  
22 relating to “Atomic Energy Defense Activities, National  
23 Nuclear Security Administration, Weapons Activities” is  
24 amended by inserting after “various locations” the fol-  
25 lowing: “: Provided further, That \$3,000,000 shall be used  
26 to continue funding of project #DE-FC04-02AL68107, the

1 *Technology Ventures Corporation: Provided further, That*  
2 *notwithstanding the provisions of section 302 of Public Law*  
3 *102–377 and section 4705 of Public Law 107–314, as*  
4 *amended, the Department may transfer up to \$10,000,000*  
5 *from the Weapons Activities appropriation for purposes of*  
6 *carrying out section 3147 of the Ronald W. Reagan Na-*  
7 *tional Defense Authorization Act for Fiscal Year 2005, Pub-*  
8 *lic Law 108–375”.*

9           **DEFENSE SITE ACCELERATION COMPLETION**

10        *SEC. 6020. In division C, title III of the Consolidated*  
11 *Appropriations Act, 2005 (Public Law 108–447), the item*  
12 *relating to “Atomic Energy Defense Activities, Environ-*  
13 *mental and Other Defense Activities, Defense Site Accelera-*  
14 *tion Completion” is amended by inserting before the period*  
15 *the following: “: Provided, That \$4,000,000 is to be provided*  
16 *from within available funds for the cleanup of lands trans-*  
17 *ferred from NNSA to Los Alamos County or Los Alamos*  
18 *School District”.*

19           **DEFENSE ENVIRONMENTAL SERVICES**

20        *SEC. 6021. To the extent activities directed to be fund-*  
21 *ed from within division C, title III of the Consolidated Ap-*  
22 *propriations Act, 2005 (Public Law 108–447), in division*  
23 *C, title III of the Consolidated Appropriations Act, 2005*  
24 *(Public Law 104–447), the item relating to the “Atomic En-*  
25 *ergy Defense Activities, National Nuclear Security Admin-*  
26 *istration, Environmental and Other Defense Activities, De-*

1 *fense Environmental Services” is amended by inserting be-*  
2 *fore the period the following: “: Provided, That to the extent*  
3 *activities to be funded within the ‘Defense Environmental*  
4 *Services’ cannot be funded without unduly impacting mis-*  
5 *sion activities and statutory requirements, up to*  
6 *\$30,000,000 from ‘Defense Site Acceleration Completion’*  
7 *may be used for these activities”.*

8           **CHERNOBYL RESEARCH AND SERVICE PROJECT**

9        SEC. 6022. *In division C, title III of the Consolidated*  
10 *Appropriations Act, 2005 (Public Law 104–447), the item*  
11 *relating to the “Atomic Energy Defense Activities, National*  
12 *Nuclear Security Administration, Environmental and*  
13 *Other Defense Activities, Other Defense Activities” is*  
14 *amended by inserting before the period the following: “:*  
15 *Provided, That \$5,000,000 is to be provided from within*  
16 *available funds to initiate the Chernobyl Research and*  
17 *Service Project to support radiation effects during the*  
18 *Chernobyl Shelter Implementation Plan within the Office*  
19 *of Environment Safety and Health”.*

20        **DEPARTMENT OF ENERGY SMALL BUSINESS CONTRACTS**

21        SEC. 6023. *Section 15(g) of the Small Business Act*  
22 *(15 U.S.C. § 644), is amended by adding the following new*  
23 *paragraph:*

24        “(3) *For purposes of this section, the term ‘prime con-*  
25 *tract’ shall, with respect to the Department of Energy, mean*  
26 *prime contracts awarded by the Department of Energy, and*

1 subcontracts awarded by Department of Energy management  
2 and operating contractors, management and integration  
3 contractors, major facilities management contractors,  
4 and contractors that have entered into similar contracts for  
5 management of a departmental facility. Contracting goals  
6 established for the Department of Energy under this section  
7 shall be set at a level not greater than the applicable Government-wide  
8 goal.”.

9 *YUCCA MOUNTAIN*

10        *SEC. 6024. Title III of division C of the Consolidated  
11 Appropriations Act, 2005 (Public Law 108-447; 118 Stat.  
12 2951) is amended in the matter under the heading “Nuclear  
13 Waste Disposal”—*

14                   (1) by inserting “to be derived from the Nuclear  
15                   Waste Fund and” after “\$346,000,000,”; and

21 *POWER MARKETING ADMINISTRATION*

*SEC. 6025. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to “Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration” is amended by inserting before the period at the end the following:*

1 *lowing: “Provided further, That of the amount herein ap-*  
2 *propriated, \$500,000 is provided on a non-reimbursable*  
3 *basis from within available funds for a transmission study*  
4 *on the placement of 500 megawatts of wind energy in North*  
5 *Dakota and South Dakota”.*

6                   *DEPARTMENT OF HOMELAND SECURITY*

7                   *REVOLVING FUNDS*

8         *SEC. 6026. (a) The Department of Homeland Security*  
9         *“Working Capital Fund” is abolished and any remaining*  
10         *unobligated or unexpended fund balances shall be imme-*  
11         *dately transferred to the “Office of the Chief Financial Of-*  
12         *ficer” and shall be subject to section 503 of Public Law 108–*  
13         *334.*

14         *(b) The Department of Homeland Security may not*  
15         *use any funds made available under section 403 of the Gov-*  
16         *ernment Management Reform Act of 1994 (Public Law*  
17         *103–356).*

18         *(c)(1) There is established the “Continuity of Govern-*  
19         *ment Operations and Emergency Management Revolving*  
20         *Fund” (in this subsection referred to as the “Revolving*  
21         *Fund”) which shall be administered by a board of directors*  
22         *designated by the Under Secretary for Emergency Pre-*  
23         *paredness and Response.*

24         *(2) There shall be deposited into the Revolving Fund*  
25         *such amounts—*

1                             (A) that would have been deposited into the  
2     “Working Capital Fund” abolished under subsection  
3     (a) in accordance with any memorandum of under-  
4     standing between the Federal Emergency Management  
5     Agency and any agency or other entity providing for  
6     the funding of the “Working Capital Fund” before the  
7     date of enactment of Public Law 107–296;

(B) provided for in any other memorandum of understanding approved by the board of directors after the date of enactment of this Act; and

11                   (C) derived from agreements defined in (c)(2)(A)  
12                  that were transferred to the “Office of the Chief Fi-  
13                  nancial Officer” pursuant to subsection (a).

14       (3) *Funds in the Revolving Fund may be used only*  
15 *for activities and services relating to continuity of Govern-*  
16 *ment and emergency management carried out by the Fed-*  
17 *eral Emergency Management Agency before March 1, 2003,*  
18 *or approved by the Committees on Appropriations of the*  
19 *Senate and the House of Representatives.*

## 20 *REPROGRAMMING PROVISIONS*

21       SEC. 6027. Section 503 of the Department of Home-  
22 land Security Appropriations Act, 2005 (118 Stat. 1315)  
23 is amended by striking subsection (d) and inserting the fol-  
24 lowing:

25       “(d) None of the funds provided by this Act, provided  
26 by previous appropriations Acts to the agencies in or trans-

1   *further to the Department of Homeland Security that remain*  
2   *available for obligation or expenditure in fiscal year 2005,*  
3   *or provided from any accounts in the Treasury of the*  
4   *United States derived by the collection of fees available to*  
5   *the agencies funded by this Act, shall be available for obliga-*  
6   *tion or expenditure for any information technology project*  
7   *that: (1) is funded by the ‘Office of the Chief Information*  
8   *Officer’; or (2) is funded by multiple components through*  
9   *the use of reimbursable agreements; unless the Committees*  
10   *on Appropriations of the Senate and the House of Rep-*  
11   *resentatives are notified 15 days in advance of such obliga-*  
12   *tion of funds.*

13       “(e) *Notifications of reprogramming, transfers, and*  
14   *obligations pursuant to subsections (a), (b), (c) and (d)*  
15   *shall not be made later than June 30, 2005, except in ex-*  
16   *traordinary circumstances which imminently threaten the*  
17   *safety of human life or the protection of property.”.*

18       ~~SEC. 6028. Any funds made available to the Depart-~~  
19   ~~ment of Homeland Security by this Act shall be subject to~~  
20   ~~the terms and conditions of Title V of Public Law 108–~~  
21   ~~334.~~

22       **BUREAU OF LAND MANAGEMENT TECHNICAL CORRECTION**

23       ~~SEC. 6029. Section 144 of division E of Public Law~~  
24   ~~108–447 is amended in paragraph (b)(2) by deleting “Sep-~~  
25   ~~tember 24, 2004” and inserting “November 12, 2004”.~~

## 1                   FOREST SERVICE TRANSFER

2        *SEC. 6030. Funds in the amount of \$1,500,000, pro-*  
3   *vided in Public Law 108–447 for the “Forest Service, Cap-*  
4   *ital Improvement and Maintenance” account, are hereby*  
5   *transferred to the “Forest Service, State and Private For-*  
6   *estry” account.*

## 7                   WEST YELLOWSTONE VISITOR INFORMATION CENTER

8        *SEC. 6031. Notwithstanding any other provision of*  
9   *law, the National Park Service is authorized to expend ap-*  
10   *propriated funds for the construction, operations and main-*  
11   *tenance of an expansion to the West Yellowstone Visitor In-*  
12   *formation Center to be constructed for visitors to, and ad-*  
13   *ministration of, Yellowstone National Park.*

## 14                  PESTICIDES TOLERANCE FEES

15       *SEC. 6032. None of the funds in this or any other Ap-*  
16   *propriations Act may be used by the Environmental Protec-*  
17   *tion Agency or any other Federal agency to develop, pro-*  
18   *mulate, or publish a pesticides tolerance fee rulemaking.*

## 19                  GULF ISLANDS NATIONAL SEASHORE

20       *SEC. 6033. (a) The Secretary of the Interior shall allow*  
21   *the State of Mississippi, its lessees, contractors, and permit-*  
22   *tees, to conduct, under reasonable regulation not incon-*  
23   *sistent with timely and generally full extraction of the oil*  
24   *and gas minerals:*

25                   (1) *exploration, development and production op-*  
26   *erations on sites outside the boundaries of Gulf Is-*

1       *lands National Seashore that use directional drilling*  
2       *techniques which result in the drill hole crossing into*  
3       *the Gulf Islands National Seashore and passing under*  
4       *any land or water the surface of which is owned by*  
5       *the United States, including terminating in bottom*  
6       *hole locations thereunder; and*

7               *(2) seismic and seismic-related exploration ac-*  
8       *tivities inside the boundaries of Gulf Islands National*  
9       *Seashore related to extraction of the oil and gas lo-*  
10      *cated within the boundaries of the Gulf Islands Na-*  
11      *tional Seashore, all of which oil and gas is owned by*  
12      *the State of Mississippi.*

13       *(b) The provisions of subsection (a) shall not take effect*  
14      *until the State of Mississippi enters into an agreement with*  
15      *the Secretary providing that any actions by the United*  
16      *States in relation to the provisions in this section shall not*  
17      *trigger any reverter of any estate conveyed by the State of*  
18      *Mississippi to the United States within the Gulf Islands*  
19      *National Seashore in Chapter 482 of the General Laws of*  
20      *the State of Mississippi, 1971, and the quitclaim deed of*  
21      *June 15, 1972.*

22           **SURFACE MINING CONTROL AND RECLAMATION ACT**

23       *SEC. 6034. Section 402(b) of the Surface Mining Con-*  
24      *trol and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is*  
25      *amended by striking “June 30, 2005,” and inserting “Sep-*  
26      *tember 30, 2005.”*

## *REPEAL OF TRANSFER AUTHORITY*

*SEC. 6035. Section 102 and section 208 of division F  
of Public Law 108-447 are hereby repealed.*

#### **4 TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT**

## **5** *OF EDUCATION—FISCAL YEAR 2005*

6       SEC. 6036. *In the statement of the managers of the*  
7 *committee of conference accompanying H.R. 4818 (Public*  
8 *Law 108-447; House Report 108-792), in the matter in*  
9 *title III of division F, relating to the Fund for the Improve-*  
10 *ment of Education under the heading “Innovation and Im-*  
11 *provement”—*

12                   (1) the provision specifying \$500,000 for the  
13 Mississippi Museum of Art, Jackson, MS for Hardy  
14 Middle School After School Program shall be deemed  
15 to read “Mississippi Museum of Art, Jackson, MS for  
16 a Mississippi Museum of Art After-School Collabora-  
17 rative”;

18                             (2) the provision specifying \$2,000,000 for the  
19                             Milken Family Foundation, Santa Monica, CA, for  
20                             the Teacher Advancement Program shall be deemed to  
21                             read "Teacher Advancement Program Foundation,  
22                             Santa Monica, CA for the Teacher Advancement Pro-  
23                             gram";

1       *accelerating student academic growth shall be deemed*  
2       *to read “Battelle for Kids, Columbus, OH for a multi-*  
3       *state effort to implement, evaluate and learn the most*  
4       *effective ways for accelerating student academic*  
5       *growth”;*

6           *(4) the provision specifying \$750,000 for the In-*  
7       *stitute of Heart Math, Boulder Creek, CO for a teach-*  
8       *er retention and student dropout prevention program*  
9       *shall be deemed to read “Institute of Heart Math,*  
10      *Boulder Creek, CA for a teacher retention and student*  
11      *dropout prevention program”;*

12           *(5) the provision specifying \$200,000 for Fairfax*  
13      *County Public Schools, Fairfax, VA for Chinese lan-*  
14      *guage programs in Franklin Sherman Elementary*  
15      *School and Chesterbrook Elementary School in*  
16      *McLean, Virginia shall be deemed to read “Fairfax*  
17      *County Public Schools, Fairfax, VA for Chinese lan-*  
18      *guage programs in Shrevewood Elementary School*  
19      *and Wolftrap Elementary School”;*

20           *(6) the provision specifying \$1,250,000 for the*  
21      *University of Alaska/Fairbanks in Fairbanks, AK,*  
22      *working with the State of Alaska and Catholic Com-*  
23      *munity Services, for the Alaska System for Early*  
24      *Education Development (SEED) shall be deemed to*  
25      *read “University of Alaska/Southeast in Juneau, AK,*

1       *working with the State of Alaska and Catholic Com-*  
2       *munity Services, for the Alaska System for Early*  
3       *Education Development (SEED)";*

4           *(7) the provision specifying \$25,000 for QUILL*  
5       *Productions, Inc., Aston, PA, to develop and dissemi-*  
6       *nate programs to enhance the teaching of American*  
7       *history shall be deemed to read "QUILL Entertain-*  
8       *ment Company, Aston, PA, to develop and dissemi-*  
9       *nate programs to enhance the teaching of American*  
10      *history";*

11       *(8) the provision specifying \$780,000 for City of*  
12      *St. Charles, MO for the St. Charles Foundry Arts*  
13      *Center in support of arts education shall be deemed*  
14      *to read "The Foundry Art Centre, St. Charles, Mis-*  
15      *souri for support of arts education in conjunction*  
16      *with the City of St. Charles, MO";*

17       *(9) the provision specifying \$100,000 for Com-*  
18      *munity Arts Program, Chester, PA, for arts education*  
19      *shall be deemed to read "Chester Economic Develop-*  
20      *ment Authority, Chester, PA for a community arts*  
21      *program";*

22       *(10) the provision specifying \$100,000 for Kids*  
23      *with A Promise—The Bowery Mission, Bushkill, PA*  
24      *shall be deemed to read "Kids with A Promise—The*  
25      *Bowery Mission, New York, NY";*

1                   (11) the provision specifying \$50,000 for Great  
2 Projects Film Company, Inc., Washington, DC, to  
3 produce “Educating America”, a documentary about  
4 the challenges facing our public schools shall be  
5 deemed to read “Great Projects Film Company, Inc.,  
6 New York, NY, to produce ‘Educating America’, a  
7 documentary about the challenges facing our public  
8 schools”;

9                   (12) the provision specifying \$30,000 for Sum-  
10 mer Camp Opportunities Provide an Edge (SCOPE),  
11 New York, NY for YMCA Camps Skycrest, Speers and  
12 Elijahbar shall be deemed to read “American Camping  
13 Association for Summer Camp Opportunities Provide  
14 an Edge (SCOPE), New York, NY for YMCA Camps  
15 Skycrest and Speers-Elijahbar”; and

16                   (13) the provision specifying \$163,000 for Space  
17 Education Initiatives, Green Bay, WI for the Wis-  
18 consin Space Science Initiative shall be deemed to  
19 read “Space Education Initiatives, De Pere, WI for  
20 the Wisconsin Space Science Initiative”.

21 TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT  
22 OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

23 SEC. 6037. In the statement of the managers of the  
24 committee of conference accompanying H.R. 4818 (Public  
25 Law 108-447; House Report 108-792), in the matter in  
26 title III of division F, relating to the Fund for the Improve-

1     ment of Postsecondary Education under the heading “High-  
2     er Education”—

3                 (1) the provision specifying \$145,000 for the  
4     Belin-Blank Center at the University of Iowa, Iowa  
5     City, IA for the Big 10 school initiative to improve  
6     minority student access to Advanced Placement  
7     courses shall be deemed to read “University of Iowa,  
8     Iowa City, IA for the Iowa and Israel: Partners in  
9     Excellence program to enhance math and science op-  
10    portunities to rural Iowa students”;

11                 (2) the provision specifying \$150,000 for Mercy  
12    College, Dobbs Ferry, NY for the development of a reg-  
13    istered nursing program shall be deemed to read  
14    “Mercy College, Dobbs Ferry, NY, for the development  
15    of a master’s degree program in nursing education,  
16    including marketing and recruitment activities”;

17                 (3) the provision specifying \$100,000 for Univer-  
18    sity of Alaska/Southeast to develop distance education  
19    coursework for arctic engineering courses and pro-  
20    grams shall be deemed to read “University of Alaska  
21    System Office to develop distance education  
22    coursework for arctic engineering courses and pro-  
23    grams”; and

24                 (4) the provision specifying \$100,000 for Culver-  
25    Stockton College, Canton, MO for equipment and

1       *technology shall be deemed to read “Moberly Area*  
2       *Community College, Moberly, MO for equipment and*  
3       *technology”.*

4       **TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT**

5                   **OF EDUCATION—FISCAL YEAR 2004**

6       *SEC. 6038. In the statement of the managers of the*  
7       *committee of conference accompanying H.R. 2673 (Public*  
8       *Law 108–199; House Report 108–401), in the matter in*  
9       *title III of division E, relating to the Fund for the Improve-*  
10      *ment of Education under the heading “Innovation and Im-*  
11      *provement” the provision specifying \$1,500,000 for the Uni-*  
12      *versity of Alaska at Fairbanks for Alaska System for Early*  
13      *Education Development (SEED) program to expand early*  
14      *childhood services and to train Early Head Start teachers*  
15      *with AAS degrees for positions in rural Alaska shall be*  
16      *deemed to read “University of Alaska/Southeast in Juneau,*  
17      *AK, working with the State of Alaska and Catholic Commu-*  
18      *nity Services, for the Alaska System for Early Education*  
19      *Development (SEED) program to expand early childhood*  
20      *services and to train Early Head Start teachers with AAS*  
21      *degrees for positions in rural Alaska”.*

22      **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

23                   **FOR GRANT REVIEWS**

24       *SEC. 6039. The matter under the heading “Corpora-*  
25      *tion for National and Community Service—National and*  
26      *Community Service Programs Operating Expenses” in title*

1 *III of division I of Public Law 108–447 is amended by*  
2 *inserting before the period at the end the following: “: Pro-*  
3 *vided further, That the Corporation may use up to 1 per-*  
4 *cent of program grant funds made available under this*  
5 *heading to defray its costs of conducting grant application*  
6 *reviews, including the use of outside peer reviewers”.*

7                   **COPYRIGHT ROYALTY JUDGES**

8        *SEC. 6040. (a) During fiscal year 2005, the Librarian*  
9 *of Congress shall transfer from funds under the subheading*  
10 *“SALARIES AND EXPENSES” under the heading “LIBRARY*  
11 *OF CONGRESS” under title I of the Legislative Approp-*  
12 *priations Act, 2005 to the account under the subheading*  
13 *“SALARIES AND EXPENSES” under the heading “COPYRIGHT*  
14 *OFFICE” under the heading “LIBRARY OF CONGRESS”*  
15 *under title I of that Act such funds as necessary to carry*  
16 *out the Copyright Royalty Judges program under chapter*  
17 *8 of title 17, United States Code, as amended by the Copy-*  
18 *right Royalty and Distribution Reform Act of 2004 (Public*  
19 *Law 108–419), subject to subsection (b).*

20       *(b) No more than \$485,000 may be transferred under*  
21 *this section.*

22                   **TECHNICAL CORRECTION—DEPARTMENT OF**  
23                   **TRANSPORTATION**

24        *SEC. 6041. The matter under the heading “Federal*  
25 *Transit Administration, Capital Investment Grants” in*  
26 *title I of division H of Public Law 108–447 is amended*

1 by striking “\$3,591,548” and inserting “\$1,362,683” and  
2 by striking “\$22,554,144” and inserting “\$12,998,815”:  
3 *Provided, That the amount of new fixed guideway funds*  
4 *available for each project expected to complete its full fund-*  
5 *ing grant agreement this fiscal year shall not exceed the*  
6 *amount which, when reduced by the across-the-board rescis-*  
7 *sion of 0.80 percent of such Act, is equal to the amount*  
8 *of new fixed guideway funds required to complete the com-*  
9 *mitment of Federal new fixed guideway funds reflected in*  
10 *the project’s full funding grant agreement: Provided further,*  
11 *That of the new fixed guideway funds available in Public*  
12 *Law 108-447, \$1,352,899 shall be available for the North-*  
13 *ern New Jersey Newark Rail Link MOS 1 project, no funds*  
14 *shall be available for the Northern New Jersey Newark-Eliz-*  
15 *abeth Rail Line MOS 1 project, and \$316,427 shall be*  
16 *available for the Northern New Jersey Hudson-Bergen Light*  
17 *Rail MOS 1 project.*

THE JUDICIARY

19 SEC. 6042. Section 308 of division B of Public Law  
20 108-447 is amended by striking "shall be deposited" and  
21 all that follows through "expenses" and inserting in lieu  
22 thereof "shall be deposited as offsetting receipts to the fund  
23 established under 28 U.S.C. section 1931 and shall remain  
24 available to the Judiciary until expended to reimburse any  
25 appropriation for the amount paid out of such appropria-  
26 tion for expenses of the Courts of Appeals, District Courts,

1 and Other Judicial Services and the Administrative Office  
2 of the United States Courts".

3 SEC. 6043. Section 325 of S. 256, the Bankruptcy  
4 Abuse Prevention and Consumer Protection Act of 2005, as  
5 passed by the Senate on March 10, 2005, is amended—

6 (1) by striking subsection (b) and inserting the  
7 following:

8 "(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section  
9 589a(b) of title 28, United States Code, is amended—

10 (1) by striking paragraph (1) and inserting the  
11 following:

12 "(1)(A) 29.75 percent of the fees collected under  
13 section 1930(a)(1)(A) of this title; and

14 "(B) 39.67 percent of the fees collected under  
15 section 1930(a)(1)(B);;

16 (2) in paragraph (2), by striking 'one-half' and  
17 inserting '75 percent'; and

18 (3) in paragraph (4), by striking 'one-half' and  
19 inserting '100 percent'. ;

20 (2) by striking subsection (c) and inserting the  
21 following:

22 "(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS  
23 BANKRUPTCY FEES.—Section 406(b) of the Judiciary Ap-  
24 propriations Act, 1990 (28 U.S.C. 1931 note) is amended  
25 by striking 'pursuant to 28 U.S.C. section 1930(b)' and all

1   *that follows through ‘28 U.S.C. section 1931’ and inserting*  
2   *‘under section 1930(b) of title 28, United States Code, 29.75*  
3   *percent of the fees collected under section 1930(a)(1)(A) of*  
4   *that title, 39.67 percent of the fees collected under section*  
5   *1930(a)(1)(B) of that title, and 25 percent of the fees col-*  
6   *lected under section 1930(a)(3) of that title shall be depos-*  
7   *ited as offsetting receipts to the fund established under sec-*  
8   *tion 1931 of that title’.”; and*

9                 *(3) by striking subsections (d) and (e) in their*  
10                 *entirety.*

11                 **TECHNICAL CORRECTIONS—GENERAL SERVICES**

12                 **ADMINISTRATION**

13                 *SEC. 6044. Under the heading “Federal Buildings*  
14                 *Fund” in title IV of division H of Public Law 108–447,*  
15                 *strike “\$60,000,000” and insert in lieu thereof*  
16                 *“\$60,600,000” in reference to the Las Cruces United States*  
17                 *Courthouse.*

18                 *SEC. 6045. Section 408 in title IV of division H of*  
19                 *Public Law 108–477 is amended by striking “Section*  
20                 *572(a)(2)(ii)” and inserting in lieu thereof “Section*  
21                 *572(a)(2)(A)(ii)”.*

22                 **TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND**  
23                 **URBAN DEVELOPMENT**

24                 *SEC. 6046. (a) The referenced statement of the man-*  
25                 *agers under the heading “Community Development Fund”*  
26                 *in title II of division I of Public Law 108–447 is deemed*

1 to be amended with respect to item 230 by striking “City”  
2 and inserting “Port”.

3 (b) The referenced statement of the managers under the  
4 heading “Community Development Fund” in title II of di-  
5 vision I of Public Law 108–447 is deemed to be amended  
6 with respect to item 233 by inserting “Port of” before the  
7 words “Brookings Harbor”.

8 (c) The referenced statement of the managers under the  
9 heading “Community Development Fund” in title II of di-  
10 vision I of Public Law 108–447 is deemed to be amended  
11 with respect to item number 30 by inserting “to be used  
12 for planning, design, and construction” after “California.”.

13 (d) The referenced statement of managers under the  
14 heading “Community Development Fund” in title II of di-  
15 vision G of Public Law 108–199 is deemed to be amended  
16 with respect to item number 122 by inserting “to be used  
17 for planning, design, and construction” after “California.”.

18 SENSE OF SENATE REGARDING TIMELY ENACTMENT OF AP-

19 PROPRIATIONS FOR UNITED STATES ARMED FORCES

20 SEC. 6047. SENSE OF THE SENATE. It is the sense of  
21 the Senate that—

22 (1) our immigration system is badly broken,  
23 fails to serve the interests of our national security and  
24 our national economy, and undermines respect for the  
25 rule of law;

1                   (2) in a post-9/11 world, national security de-  
2       mands a comprehensive solution to our immigration  
3       system;

4                   (3) Congress must engage in a careful and delib-  
5       erative discussion about the need to bolster enforce-  
6       ment of, and comprehensively reform, our immigra-  
7       tion laws;

8                   (4) Congress should not short-circuit that discus-  
9       sion by attaching amendments to this supplemental  
10      outside of the regular order; and

11                  (5) Congress should not delay the enactment of  
12       critical appropriations necessary to ensure the well-  
13       being of the men and women of the United States  
14       Armed Forces fighting in Iraq and elsewhere around  
15       the world, by attempting to conduct a debate about  
16       immigration reform while the supplemental appro-  
17       priations bill is pending on the floor of the United  
18       States Senate.

19                  SEC. 6048. Unless otherwise authorized by existing  
20       law, none of the funds provided in this Act or any other  
21       Act may be used by a Federal agency to produce any pre-  
22       packaged news story unless the story includes a clear notifi-  
23       cation within the text or audio of the prepackaged news  
24       that the prepackaged news story was prepared or funded  
25       by that Federal agency.

1       SEC. 6049. *TECHNICAL CORRECTION TO THE MEDI-*  
2 *CARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT*  
3 *PROGRAM.* (a) *IN GENERAL.*—Section 1897(c) of the Social  
4 *Security Act (42 U.S.C. 1395hh(c)) is amended—*

5             (1) *in paragraph (2)—*

6                 (A) *in the matter preceding subparagraph*  
7                 (A), *by inserting “or an entity described in*  
8                 *paragraph (3)” after “means a hospital”; and*

9                 (B) *in subparagraph (B)—*

10                 (i) *by inserting “legislature” after*  
11                 *“State” the first place it appears; and*

12                 (ii) *by inserting “and such designation*  
13                 *by the State legislature occurred prior to*  
14                 *December 8, 2003” before the period at the*  
15                 *end; and*

16                 (2) *by adding at the end the following new para-*  
17 *graph:*

18                 “(3) *ENTITY DESCRIBED.*—An entity described

19                 *in this paragraph is an entity that—*

20                 “(A) *is described in section 501(c)(3) of the*  
21 *Internal Revenue Code of 1986 and exempt from*  
22 *tax under section 501(a) of such Code;*

23                 “(B) *has at least 1 existing memorandum of*  
24 *understanding or affiliation agreement with a*

1           *hospital located in the State in which the entity*  
2           *is located; and*

3           *“(C) retains clinical outpatient treatment*  
4           *for cancer on site as well as lab research and*  
5           *education and outreach for cancer in the same*  
6           *facility.”.*

7           *(b) LIMITATION ON REVIEW.—Section 1897 of the So-*  
8           *cial Security Act (42 U.S.C. 1395hhh(c)) is amended by*  
9           *adding at the end the following new subsection:*

10          *“(i) LIMITATION ON REVIEW.—There shall be no ad-*  
11          *ministrative or judicial review of any determination made*  
12          *by the Secretary under this section.”.*

13          *(c) EFFECTIVE DATE.—The amendments made by this*  
14          *section shall take effect as if included in the enactment of*  
15          *section 1016 of the Medicare Prescription Drug, Improve-*  
16          *ment, and Modernization Act of 2003 (Public Law 108–*  
17          *173; 117 Stat. 2447).*

18          *SEC. 6050. None of the funds made available by this*  
19          *or any other Act may be used to deny the provision of as-*  
20          *sistance under section 310B(a)(1) of the Consolidated Farm*  
21          *and Rural Development Act (7 U.S.C. 1932(a)(1)) solely*  
22          *due to the failure of the Secretary of Labor to respond to*  
23          *a request to certify assistance within the time period speci-*  
24          *fied in section 310B(d)(4) of that Act.*

## 1 TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND

## 2 URBAN DEVELOPMENT

3 SEC. 6051. (a) Section 222 of title II of division I of

**4** *Public Law 108–447 is deleted; and*

5       (b) Section 203(c)(l) of the National Housing Act (12

**6 U.S.C. 1709(c)) is amended by—**

(1) striking “subsections” and inserting “subsection”, and

9 (2) striking “or (k)” each place that it appears.

10 NEPAL

11 SEC. 6052. (a) FINDINGS.—The Senate makes the fol-

## 12 *lowing findings:*

13                   (1) *That on February 1, 2005, Nepal's King*  
14                   *Gyanendra dissolved the multi-party government, sus-*  
15                   *pended constitutional liberties, and arrested political*  
16                   *party leaders, human rights activists and representa-*  
17                   *tives of civil society organizations.*

18                   (2) *That despite condemnation of the King's ac-  
19 tions and the suspension of military aid to Nepal by  
20 India and Great Britain, and similar steps by the  
21 United States, the King has refused to restore con-  
22 stitutional liberties and democracy.*

23                   (3) That there are concerns that the King's ac-  
24                   tions will strengthen Nepal's Maoist insurgency.

(4) That while some political leaders have been released from custody, there have been new arrests of

1       *human rights activists and representatives of other*  
2       *civil society organizations.*

3           *(5) That the King has thwarted efforts of mem-*  
4       *bers of the National Human Rights Commission to*  
5       *conduct monitoring activities, but recently agreed to*  
6       *permit the United Nations High Commissioner for*  
7       *Human Rights to open an office in Katmandu to*  
8       *monitor and investigate violations.*

9           *(6) That the Maoists have committed atrocities*  
10      *against civilians and poses a threat to democracy in*  
11      *Nepal.*

12          *(7) That the Nepalese Army has also committed*  
13      *gross violations of human rights.*

14          *(8) That King Gyanendra has said that he in-*  
15      *tends to pursue a military strategy against the*  
16      *Maoists.*

17          *(9) That Nepal needs an effective military strat-*  
18      *egy to counter the Maoists and pressure them to nego-*  
19      *tiate an end to the conflict, but such a strategy must*  
20      *include the Nepalese Army's respect for the human*  
21      *rights and dignity of the Nepalese people.*

22          *(10) That an effective strategy to counter the*  
23      *Maoists also requires a political process that is inclu-*  
24      *sive and democratic in which constitutional rights are*

1       *protected, and government policies that improve the*  
2       *lives of the Nepalese people.*

3           *(11) That it is the Sense of the Senate that King*  
4       *Gyanendra should immediately release all political*  
5       *detainees, restore constitutional liberties, and under-*  
6       *take good faith negotiations with the leaders of Ne-*  
7       *pal's political parties to restore democracy.*

8           **FISCHER-TROPSCH COAL-TO-OIL PROJECT**

9       *SEC. 6053. Notwithstanding any other provision of*  
10      *law, funds that have been appropriated to and awarded by*  
11      *the Secretary of Energy under the Clean Coal Power Initia-*  
12      *tive in accordance with financial assistance solicitation*  
13      *#DE-PS26-02NT41428 (as described in 67 Federal Reg-*  
14      *ister 575) to construct a Fischer-Tropsch coal-to-oil project*  
15      *may be used by the Secretary to provide a loan guarantee*  
16      *for the project.*

17           **PROTECTION OF THE GALAPAGOS**

18       *SEC. 6054. (a) FINDINGS.—The Senate makes the fol-*  
19      *lowing findings:*

20           *(1) The Galapagos Islands are a global treasure*  
21       *and World Heritage Site, and the future of the Gala-*  
22       *pagos is in the hands of the Government of Ecuador.*

23           *(2) The world depends on the Government of Ec-*  
24       *uador to implement the necessary policies and pro-*  
25       *grams to ensure the long term protection of the bio-*

1       *diversity of the Galapagos, including enforcing the*  
2       *Galapagos Special Law.*

3           *(3) There are concerns with the current leader-*  
4       *ship of the Galapagos National Park Service and that*  
5       *the biodiversity of the Galapagos and the Marine Re-*  
6       *serve are not being properly managed or adequately*  
7       *protected; and*

8           *(4) The Government of Ecuador has reportedly*  
9       *given preliminary approval for commercial airplane*  
10      *flights to the Island of Isabela, which may cause ir-*  
11      *reparable harm to the biodiversity of the Galapagos,*  
12      *and has allowed the export of fins from sharks caught*  
13      *accidentally in the Marine Reserve, which encourages*  
14      *illegal fishing.*

15       *(b) The Senate strongly encourages the Government of*  
16      *Ecuador to—*

17           *(A) refrain from taking any action that*  
18       *could cause harm to the biodiversity of the Gala-*  
19       *pagos or encourage illegal fishing in the Marine*  
20       *Reserve;*

21           *(B) abide by the agreement to select the Di-*  
22       *rectorship of the Galapagos National Park Serv-*  
23       *ice though a transparent process based on merit*  
24       *as previously agreed by the Government of Ecua-*

1           *dor, international donors, and nongovernmental  
2           organizations; and*

3           *(C) enforce the Galapagos Special Law in  
4           its entirety, including the governance structure  
5           defined by the law to ensure effective control of  
6           migration to the Galapagos and sustainable fish-  
7           ing practices, and prohibit long-line fishing  
8           which threatens the survival of shark and marine  
9           turtle populations.*

10          *(c) The Department of State should—*

11           *(A) emphasize to the Government of Ecu-  
12           dor the importance the United States gives to  
13           these issues; and*

14           *(B) offer assistance to implement the nec-  
15           essary policies and programs to ensure the long  
16           term protection of the biodiversity of the Gala-  
17           pagos and the Marine Reserve and to sustain the  
18           livelihoods of the Galapagos population who de-  
19           pend on the marine ecosystem for survival.*

20           *CAMP JOSEPH T. ROBINSON*

21          *SEC. 6055. The United States releases to the State of  
22 Arkansas the reversionary interest described in sections 2  
23 and 3 of the Act entitled “An Act authorizing the transfer  
24 of part of Camp Joseph T. Robinson to the State of Arkan-  
25 sas”, approved June 30, 1950 (64 Stat. 311, chapter 429),  
26 in and to the surface estate of the land constituting Camp*

1   *Joseph T. Robinson, Arkansas, which lies east of the Bates-*  
2   *ville Pike county road, in sections 24, 25, and 36, township*  
3   *3 north, range 12 west, Pulaski County, Arkansas.*

4           **INDEPENDENT COUNSEL INVESTIGATION OF HENRY**

5                           **CISNEROS**

6           *SEC. 6056. (a) None of the funds appropriated or made*  
7   *available in this Act or any other Act may be used to fund*  
8   *the independent counsel investigation of Henry Cisneros*  
9   *after June 1, 2005.*

10          *(b) Not later than July 1, 2005, the Government Ac-*  
11   *countability Office shall provide the Committee on Approp-*  
12   *priations of each House with a detailed accounting of the*  
13   *costs associated with the independent counsel investigation*  
14   *of Henry Cisneros.*

15           **AFFIRMING THE PROHIBITION ON TORTURE AND CRUEL,**

16                           **INHUMAN, OR DEGRADING TREATMENT**

17          *SEC. 6057. (a)(1) None of the funds appropriated or*  
18   *otherwise made available by this Act shall be obligated or*  
19   *expended to subject any person in the custody or under the*  
20   *physical control of the United States to torture or cruel,*  
21   *inhuman, or degrading treatment or punishment that is*  
22   *prohibited by the Constitution, laws, or treaties of the*  
23   *United States.*

24          *(2) Nothing in this section shall affect the status of*  
25   *any person under the Geneva Conventions or whether any*

1 person is entitled to the protections of the Geneva Conven-  
2 tions.

3 (b) As used in this section—

4 (1) the term “torture” has the meaning given  
5 that term in section 2340(1) of title 18, United States  
6 Code; and

7 (2) the term “cruel, inhuman, or degrading  
8 treatment or punishment” means the cruel, unusual,  
9 and inhumane treatment or punishment prohibited  
10 by the fifth amendment, eighth amendment, or four-  
11 teenth amendment to the Constitution of the United  
12 States.

13 DETROIT LABOR BUILDING

14 SEC. 6058. The Secretary of Labor shall convey to the  
15 State of Michigan, for no consideration, all right, title, and  
16 interest of the United States in and to the real property  
17 known as the “Detroit Labor Building” and located at 7310  
18 Woodward Avenue, Detroit, Michigan, to the extent the  
19 right, title, or interest was acquired through a grant to the  
20 State of Michigan under title III of the Social Security Act  
21 (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C.  
22 49 et seq.) or using funds distributed to the State of Michi-  
23 gan under section 903 of the Social Security Act (42 U.S.C.  
24 1103).

1                   **TRAUMATIC INJURY PROTECTION**

2        SEC. 6059. *TRAUMATIC INJURY PROTECTION.* (a) *IN*  
3    *GENERAL.*—*Subchapter III of chapter 19, Title 38, United*  
4   *States Code, is amended—*

5                   (1) *in section 1965, by adding at the end the fol-*  
6   *lowing:*

7                   “(11) *The term ‘activities of daily living’ means*  
8   *the inability to independently perform 2 of the 6 fol-*  
9   *lowing functions:*

10                  “(A) *Bathing.*

11                  “(B) *Continence.*

12                  “(C) *Dressing.*

13                  “(D) *Eating.*

14                  “(E) *Toileting.*

15                  “(F) *Transferring.”; and*

16                  (2) *by adding at the end the following:*

17    **“§ 1980A. Traumatic injury protection**

18                  “(a) *A member who is insured under subparagraph*  
19   *(A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatic-*  
20   *ally be issued a traumatic injury protection rider that will*  
21   *provide for a payment not to exceed \$100,000 if the mem-*  
22   *ber, while so insured, sustains a traumatic injury that re-*  
23   *sults in a loss described in subsection (b)(1). The maximum*  
24   *amount payable for all injuries resulting from the same*  
25   *traumatic event shall be limited to \$100,000. If a member*

1 suffers more than 1 such loss as a result of traumatic in-  
2 jury, payment will be made in accordance with the schedule  
3 in subsection (d) for the single loss providing the highest  
4 payment.

5 “(b)(1) A member who is issued a traumatic injury  
6 protection rider under subsection (a) is insured against  
7 such traumatic injuries, as prescribed by the Secretary, in  
8 collaboration with the Secretary of Defense, including, but  
9 not limited to—

- 10           “(A) total and permanent loss of sight;
  - 11           “(B) loss of a hand or foot by severance at or  
12           above the wrist or ankle;
  - 13           “(C) total and permanent loss of speech;
  - 14           “(D) total and permanent loss of hearing in both  
15           ears;
  - 16           “(E) loss of thumb and index finger of the same  
17           hand by severance at or above the  
18           metacarpophalangeal joints;
  - 19           “(F) quadriplegia, paraplegia, or hemiplegia;
  - 20           “(G) burns greater than second degree, covering  
21           30 percent of the body or 30 percent of the face; and
  - 22           “(H) coma or the inability to carry out the ac-  
23           tivities of daily living resulting from traumatic in-  
24           jury to the brain.
- 25           “(2) For purposes of this subsection—

1           “(A) the term ‘quadriplegia’ means the complete  
2 and irreversible paralysis of all 4 limbs;

3           “(B) the term ‘paraplegia’ means the complete  
4 and irreversible paralysis of both lower limbs; and

5           “(C) the term ‘hemiplegia’ means the complete  
6 and irreversible paralysis of the upper and lower  
7 limbs on 1 side of the body.

8           “(3) The Secretary, in collaboration with the Secretary  
9 of Defense, shall prescribe, by regulation, the conditions  
10 under which coverage against loss will not be provided.

11          “(c) A payment under this section may be made only  
12 if—

13           “(1) the member is insured under  
14 Servicemembers’ Group Life Insurance when the traum-  
15 atic injury is sustained;

16           “(2) the loss results directly from that traumatic  
17 injury and from no other cause; and

18           “(3) the member suffers the loss before the end of  
19 the period prescribed by the Secretary, in collabora-  
20 tion with the Secretary of Defense, which begins on  
21 the date on which the member sustains the traumatic  
22 injury, except, if the loss is quadriplegia, paraplegia,  
23 or hemiplegia, the member suffers the loss not later  
24 than 365 days after sustaining the traumatic injury.

1       “(d) Payments under this section for losses described  
2 in subsection (b)(1) shall be—

3           “(1) made in accordance with a schedule pre-  
4 scribed by the Secretary, in collaboration with the  
5 Secretary of Defense;

6           “(2) based on the severity of the covered condi-  
7 tion; and

8           “(3) in an amount that is equal to not less than  
9 \$25,000 and not more than \$100,000.

10          “(e)(1) During any period in which a member is in-  
11 sured under this section and the member is on active duty,  
12 there shall be deducted each month from the member’s basic  
13 or other pay until separation or release from active duty  
14 an amount determined by the Secretary of Veterans Affairs  
15 as the premium allocable to the pay period for providing  
16 traumatic injury protection under this section (which shall  
17 be the same for all such members) as the share of the cost  
18 attributable to provided coverage under this section, less  
19 any costs traceable to the extra hazards of such duty in the  
20 uniformed services.

21          “(2) During any month in which a member is assigned  
22 to the Ready Reserve of a uniformed service under condi-  
23 tions which meet the qualifications set forth in section  
24 1965(5)(B) of this title and is insured under a policy of  
25 insurance purchased by the Secretary of Veterans Affairs

1 under section 1966 of this title, there shall be contributed  
2 from the appropriation made for active duty pay of the uni-  
3 formed service concerned an amount determined by the Sec-  
4 retary of Veterans Affairs (which shall be the same for all  
5 such members) as the share of the cost attributable to pro-  
6 vided coverage under this section, less any costs traceable  
7 to the extra hazards of such duty in the uniformed services.  
8 Any amounts so contributed on behalf of any member shall  
9 be collected by the Secretary of the concerned service from  
10 such member (by deduction from pay or otherwise) and  
11 shall be credited to the appropriation from which such con-  
12 tribution was made in advance on a monthly basis.

13       “(3) The Secretary of Veterans Affairs shall determine  
14 the premium amounts to be charged for traumatic injury  
15 protection coverage provided under this section.

16       “(4) The premium amounts shall be determined on the  
17 basis of sound actuarial principles and shall include an  
18 amount necessary to cover the administrative costs to the  
19 insurer or insurers providing such insurance.

20       “(5) Each premium rate for the first policy year shall  
21 be continued for subsequent policy years, except that the  
22 rate may be adjusted for any such subsequent policy year  
23 on the basis of the experience under the policy, as deter-  
24 mined by the Secretary of Veterans Affairs in advance of  
25 that policy year.

1       “(6) The cost attributable to insuring such member  
2 under this section, less the premiums deducted from the pay  
3 of the member’s uniformed service, shall be paid by the Sec-  
4 retary of Defense to the Secretary of Veterans Affairs. This  
5 amount shall be paid on a monthly basis, and shall be due  
6 within 10 days of the notice provided by the Secretary of  
7 Veterans Affairs to the Secretary of the concerned uniformed  
8 service.

9       “(7) The Secretary of Defense shall provide the amount  
10 of appropriations required to pay expected claims in a pol-  
11 icy year, as determined according to sound actuarial prin-  
12 ciples by the Secretary of Veterans Affairs.

13       “(8) The Secretary of Defense shall forward an amount  
14 to the Secretary of Veterans Affairs that is equivalent to  
15 half the anticipated cost of claims for the current fiscal  
16 year, upon the effective date of this legislation.

17       “(f) The Secretary of Defense shall certify whether any  
18 member claiming the benefit under this section is eligible.

19       “(g) Payment for a loss resulting from traumatic in-  
20 jury will not be made if the member dies before the end  
21 of the period prescribed by the Secretary, in collaboration  
22 with the Secretary of Defense, which begins on the date on  
23 which the member sustains the injury. If the member dies  
24 before payment to the member can be made, the payment  
25 will be made according to the member’s most current bene-

1 *ficiary designation under Servicemembers' Group Life In-*  
2 *surance, or a by law designation, if applicable.*

3       “(h) *Coverage for loss resulting from traumatic injury*  
4 *provided under this section shall cease at midnight on the*  
5 *date of the member's separation from the uniformed service.*  
6 *Payment will not be made for any loss resulting from in-*  
7 *jury incurred after the date a member is separated from*  
8 *the uniformed services.*

9       “(i) *Insurance coverage provided under this section is*  
10 *not convertible to Veterans' Group Life Insurance.”.*

11       (b) *CLERICAL AMENDMENT.—The table of sections for*  
12 *chapter 19 of title 38, United States Code, is amended by*  
13 *adding after the item relating to section 1980 the following:*  
“1980A. Traumatic injury protection.”.

14       (c) *RETROACTIVE PROVISION.—*

15           (1) *IN GENERAL.—Any member who experienced*  
16 *a traumatic injury (as described in section*  
17 *1980A(b)(1) of title 38, United States Code) between*  
18 *October 7, 2001, and the effective date under sub-*  
19 *section (d), is eligible for coverage provided in such*  
20 *section 1980A if the qualifying loss was a direct re-*  
21 *sult of injuries incurred in Operation Enduring Free-*  
22 *dom or Operation Iraqi Freedom.*

23           (2) *CERTIFICATION; PAYMENT.—The Secretary of*  
24 *Defense shall—*

1                             (A) certify to the Office of Servicemembers'  
2                             Group Life Insurance the names and addresses  
3                             of those members the Secretary of Defense deter-  
4                             mines to be eligible for retroactive traumatic in-  
5                             jury benefits under such section 1980A; and

6                             (B) forward to the Secretary of Veterans Af-  
7                             fairs, at the time the certification is made under  
8                             subparagraph (A), an amount of money equal to  
9                             the amount the Secretary of Defense determines  
10                            to be necessary to pay all cost related to claims  
11                            for retroactive benefits under such section 1980A.

12                             (d) EFFECTIVE DATE.—

13                             (1) IN GENERAL.—The amendments made by  
14                             this section shall take effect on the first day of the  
15                             first month beginning more than 180 days after the  
16                             date of enactment of this Act.

17                             (2) RULEMAKING.—Before the effective date de-  
18                             scribed in paragraph (1), the Secretary of Veterans  
19                             Affairs, in collaboration with the Secretary of De-  
20                             fense, shall issue regulations to carry out the amend-  
21                             ments made by this section.

22                             RESIDENT AND NONRESIDENT HUNTING AND FISHING

23                             REGULATIONS

24                             SEC. 6060. STATE REGULATION OF RESIDENT AND  
25                             NONRESIDENT HUNTING AND FISHING. (a) SHORT  
26                             TITLE.—This section may be cited as the “Reaffirmation

1   *of State Regulation of Resident and Nonresident Hunting*  
2   *and Fishing Act of 2005”.*

3           (b) *DECLARATION OF POLICY AND CONSTRUCTION OF*  
4   *CONGRESSIONAL SILENCE.—*

5           (1) *IN GENERAL.—It is the policy of Congress*  
6   *that it is in the public interest for each State to con-*  
7   *tinue to regulate the taking for any purpose of fish*  
8   *and wildlife within its boundaries, including by*  
9   *means of laws or regulations that differentiate be-*  
10   *tween residents and nonresidents of such State with*  
11   *respect to the availability of licenses or permits for*  
12   *taking of particular species of fish or wildlife, the*  
13   *kind and numbers of fish and wildlife that may be*  
14   *taken, or the fees charged in connection with issuance*  
15   *of licenses or permits for hunting or fishing.*

16           (2) *CONSTRUCTION OF CONGRESSIONAL SI-*  
17   *LENCE.—Silence on the part of Congress shall not be*  
18   *construed to impose any barrier under clause 3 of*  
19   *Section 8 of Article I of the Constitution (commonly*  
20   *referred to as the “commerce clause”) to the regula-*  
21   *tion of hunting or fishing by a State or Indian tribe.*

22           (c) *LIMITATIONS.—Nothing in this section shall be*  
23   *construed—*

1                   (1) to limit the applicability or effect of any  
2     Federal law related to the protection or management  
3     of fish or wildlife or to the regulation of commerce;  
4                   (2) to limit the authority of the United States to  
5     prohibit hunting or fishing on any portion of the  
6     lands owned by the United States; or  
7                   (3) to abrogate, abridge, affect, modify, supersede  
8     or alter any treaty-reserved right or other right of  
9     any Indian tribe as recognized by any other means,  
10    including, but not limited to, agreements with the  
11    United States, Executive Orders, statutes, and judi-  
12    cial decrees, and by Federal law.

13                 (d) STATE DEFINED.—For purposes of this section, the  
14    term “State” includes the several States, the District of Co-  
15    lumbia, the Commonwealth of Puerto Rico, Guam, the Vir-  
16    gin Islands, American Samoa, and the Commonwealth of  
17    the Northern Mariana Islands.

18                 **TITLE VII—TEMPORARY WORKERS**

19                 **SEC. 7001. SHORT TITLE.**

20                 This title may be cited as the “Save Our Small and  
21    Seasonal Businesses Act of 2005”.

22                 **SEC. 7002. NUMERICAL LIMITATIONS ON H-2B WORK-  
23    ERS.** (a) *IN GENERAL.*—Section 214(g) of the Immigration  
24    and Nationality Act (8 U.S.C. 1184(g)) is amended by add-  
25    ing at the end the following:

1       “(9)(A) Subject to subparagraphs (B) and (C), an  
2 alien counted toward the numerical limitations of para-  
3 graph (1)(B) during any 1 of the 3 fiscal years prior to  
4 the submission of a petition for a nonimmigrant worker  
5 described in section 101(a)(15)(H)(ii)(b) may not be count-  
6 ed toward such limitation for the fiscal year in which the  
7 petition is approved.

8       “(B) A petition referred to in subparagraph (A) shall  
9 include, with respect to an alien—

10           “(i) the full name of the alien; and  
11           “(ii) a certification to the Department of Home-  
12 land Security that the alien is a returning worker.

13       “(C) An H-2B visa for a returning worker shall be  
14 approved only if the name of the individual on the petition  
15 is confirmed by—

16           “(i) the Department of State; or  
17           “(ii) if the alien is visa exempt, the Department  
18 of Homeland Security.”.

19       (b) **EFFECTIVE DATE.**—

20           (1) **IN GENERAL.**—The amendment in subsection  
21 (a) shall take effect as if enacted on October 1, 2004,  
22 and shall expire on October 1, 2006.

23           (2) **IMPLEMENTATION.**—Not later than the date  
24 of enactment of this Act, the Secretary of Homeland  
25 Security shall begin accepting and processing peti-

1       *tions filed on behalf of aliens described in section  
2       101(a)(15)(H)(ii)(b), in a manner consistent with  
3       this section and the amendments made by this section.*

4       **Sec. 7003. FRAUD PREVENTION AND DETECTION FEE.**

5       (a) *IMPOSITION OF FEE.*—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended  
6       by section 426(a) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by  
7       adding at the end the following:

10       “(13)(A) *In addition to any other fees authorized by  
11       law, the Secretary of Homeland Security shall impose a  
12       fraud prevention and detection fee on an employer filing  
13       a petition under paragraph (1) for nonimmigrant workers  
14       described in section 101(a)(15)(H)(ii)(b).*

15       “(i) *The amount of the fee imposed under subparagraph  
16       (A) shall be \$150.”.*

17       (b) *USE OF FEES.*—

18       (1) *FRAUD PREVENTION AND DETECTION ACT  
19       COUNCIL.*—Subsection (v) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as  
20       added by section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–  
21       447), is amended—

(A) in paragraphs (1), (2)(A), (2)(B),  
(2)(C), and (2)(D) by striking “H1-B and L”  
each place it appears;

(D) in paragraph (2)(D), as amended by subparagraph (A), by inserting before the period at the end “or for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(ii)”.

19                   (2) CONFORMING AMENDMENT.—The heading of  
20 such subsection 286 is amended by striking “H1–B  
21 AND L”.

22           (c) EFFECTIVE DATE.—The amendments made by sub-  
23 sections (a) and (b) shall take effect on October 1, 2005.

24 SEC. 7004. SANCTIONS. (a) IN GENERAL.—Section  
25 214(c) of the Immigration and Nationality Act (8 U.S.C.

1 1184(c)), as amended by section 3, is further amended by  
2 adding at the end the following:

3 “(14)(A) If the Secretary of Homeland Security finds,  
4 after notice and an opportunity for a hearing, a substantial  
5 failure to meet any of the conditions of the petition to admit  
6 or otherwise provide status to a nonimmigrant worker  
7 under section 101(a)(15)(H)(ii)(b) or a willful misrepresen-  
8 tation of a material fact in such petition—

9 “(i) the Secretary of Homeland Security may, in  
10 addition to any other remedy authorized by law, im-  
11 pose such administrative remedies (including civil  
12 monetary penalties in an amount not to exceed  
13 \$10,000 per violation) as the Secretary of Homeland  
14 Security determines to be appropriate; and

15 “(ii) the Secretary of Homeland Security may  
16 deny petitions filed with respect to that employer  
17 under section 204 or paragraph (1) of this subsection  
18 during a period of at least 1 year but not more than  
19 5 years for aliens to be employed by the employer.

20 “(iii) The Secretary of Homeland Security may dele-  
21 gate to the Secretary of Labor, with the agreement of the  
22 Secretary of Labor, any of the authority given to the Sec-  
23 retary of Homeland Security under subparagraph (A)(i).

24 “(iv) In determining the level of penalties to be as-  
25 sessed under subparagraph (A), the highest penalties shall

1   be reserved for willful failures to meet any of the conditions  
2   of the petition that involve harm to United States workers.

3       “(v) In this paragraph, the term ‘substantial failure’  
4   means the willful failure to comply with the requirements  
5   of this section that constitutes a significant deviation from  
6   the terms and conditions of a petition.”.

7       (b) *EFFECTIVE DATE.*—The amendment made by sub-  
8   section (a) shall take effect on October 1, 2005.

9       SEC. 7005. *ALLOCATION OF H-2B VISAS DURING A*  
10 *FISCAL YEAR.* Section 214(g) of the Immigration and Na-  
11 *tionality Act (8 U.S.C. 1184(g)), as amended by section*  
12 *7002, is further amended by adding at the end the following*  
13 *new paragraph:*

14       “(j) The numerical limitations of paragraph (1)(B)  
15 shall be allocated for a fiscal year so that the total number  
16 of aliens who enter the United States pursuant to a visa  
17 or other provision of nonimmigrant status under section  
18 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal  
19 year is not more than 33,000.”.

20       SEC. 7006. *SUBMISSION TO CONGRESS OF INFORMA-*  
21 *TION REGARDING H-2B NONIMMIGRANTS.*

22       Section 416 of the American Competitiveness and  
23 *Workforce Improvement Act of 1998 (title IV of division*  
24 *C of Public Law 105-277; 8 U.S.C. 1184 note) is amend-*  
25 *ed—*

1                   (1) by striking “Attorney General” each place  
2                   that term appears and inserting “Secretary of Home-  
3                   land Security”; and

4                   (2) by adding at the end the following new sub-  
5                   section:

6                   “(d) PROVISION OF INFORMATION.—

7                   “(1) QUARTERLY NOTIFICATION.—Beginning not  
8                   later than March 1, 2006, the Secretary of Homeland  
9                   Security shall notify, on a quarterly basis, the Com-  
10                  mittee on the Judiciary of the Senate and the Com-  
11                  mittee on the Judiciary of House of Representatives  
12                  of the number of aliens who during the preceding 1-  
13                  year period—

14                  “(A) were issued visas or otherwise provided  
15                  nonimmigrant status under section  
16                  101(a)(15)(H)(ii)(b) of the Immigration and Na-  
17                  tionality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b));  
18                  or

19                  “(B) had such a visa or such status expire  
20                  or be revoked or otherwise terminated.

21                  “(2) ANNUAL SUBMISSION.—Beginning in fiscal  
22                  year 2007, the Secretary of Homeland Security shall  
23                  submit, on an annual basis, to the Committees on the  
24                  Judiciary of the House of Representatives and the  
25                  Senate—

1               “(A) information on the countries of origin  
2               of, occupations of, and compensation paid to  
3               aliens who were issued visas or otherwise pro-  
4               vided nonimmigrant status under section  
5               101(a)(15)(H)(ii)(b) of the Immigration and Na-  
6               tionality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b))  
7               during the previous fiscal year;

8               “(B) the number of aliens who had such a  
9               visa or such status expire or be revoked or other-  
10               wise terminated during each month of such fiscal  
11               year; and

12               “(C) the number of aliens who were pro-  
13               vided nonimmigrant status under such section  
14               during both such fiscal year and the preceding  
15               fiscal year.

16               “(3) INFORMATION MAINTAINED BY STATE.—If  
17               the Secretary of Homeland Security determines that  
18               information maintained by the Secretary of State is  
19               required to make a submission described in para-  
20               graph (1) or (2), the Secretary of State shall provide  
21               such information to the Secretary of Homeland Secu-  
22               rity upon request.”.

23               RECAPTURE OF VISAS

24               SEC. 7007. Section 106(d)(2)(A) of the American Com-  
25               petitiveness in the Twenty-first Century Act of 2000 (Public  
26               Law 106–313; 8 U.S.C. 1153 note) is amended—

1                   (1) in paragraph (1), by inserting before the pe-  
2 riod at the end of the second sentence “and any such  
3 visa that is made available due to the difference be-  
4 tween the number of employment-based visas that  
5 were made available in fiscal year 2001, 2002, 2003,  
6 or 2004 and the number of such visas that were actu-  
7 ally used in such fiscal year shall be available only  
8 to employment-based immigrants, and the dependents  
9 of such immigrants, and 50 percent of such visas  
10 shall be made available to those whose immigrant  
11 worker petitions were approved based on schedule A,  
12 as defined in section 656.5 of title 20, Code of Federal  
13 Regulations, as promulgated by the Secretary of  
14 Labor”; and

15                   (2) in paragraph (2)(A), by striking “and 2000”  
16 and inserting “through 2004”.

17                   RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

18                   SEC. 7008. (a) Section 101(a)(15)(E) of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is  
20 amended—

21                   (1) by adding at the end “or (iii) solely to per-  
22 form services in a specialty occupation in the United  
23 States if the alien is a national of the Commonwealth  
24 of Australia and with respect to whom the Secretary  
25 of Labor determines and certifies to the Secretary of  
26 Homeland Security and the Secretary of State that

1       *the intending employer has filed with the Secretary of  
2       Labor an attestation under section 212(t)(1);”;* and

3               *(2) in clause (i), by striking “or” after “na-  
4       tional;”.*

5       *(b) Section 202 of such Act (8 U.S.C. 1152) is amended  
6       by adding at the end the following new subsection:*

7               *“(f) SPECIAL RULE FOR AUSTRALIA.—The total num-  
8       ber of aliens who may acquire nonimmigrant status under  
9       section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal  
10      year.”.*

11          *(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1))  
12       is amended by inserting “, section 101(a)(15)(E)(iii),” after  
13       “section 101(a)(15)(H)(i)(b)”.*

14          *(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as  
15       added by section 402(b)(2) of the United States-Chile Free  
16       Trade Agreement Implementation Act (Public Law 108-77;  
17       117 Stat. 941), is amended—*

18               *(1) by inserting “or section 101(a)(15)(E)(iii)”  
19       after “section 101(a)(15)(H)(i)(b1)” each place it ap-  
20       pears;*

21               *(2) in paragraph (3)(C)(i)(II), by striking “or”  
22       in the third place it appears;*

23               *(3) in paragraph (3)(C)(ii)(II), by striking “or”  
24       in the third place it appears; and*

3        *This Act may be cited as the “Emergency Supple-*  
4 *mental Appropriations Act for Defense, the Global War on*  
5 *Terror, and Tsunami Relief, 2005”.*

Amend the title so as to read: "An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.".

Passed the House of Representatives March 16,  
2005.

Attest: **JEFF TRANDAHL,**  
*Clerk*

Passed the Senate April 21, 2005.

Attest: EMILY J. REYNOLDS,  
*Secretary.*