

Union Calendar No. 7

109TH CONGRESS
1ST SESSION

H. R. 1268

[Report No. 109–16]

Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2005

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

A BILL

Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, 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 TITLE I—DEFENSE-RELATED APPROPRIATIONS

2 CHAPTER 1

3 DEPARTMENT OF DEFENSE

4 DEPARTMENT OF DEFENSE—MILITARY

5 MILITARY PERSONNEL

6 MILITARY PERSONNEL, ARMY

7 For an additional amount for “Military Personnel,
8 Army”, \$11,779,642,000: *Provided*, That the amounts
9 provided under this heading are designated as an emer-
10 gency requirement pursuant to section 402 of the con-
11 ference report to accompany S. Con. Res. 95 (108th Con-
12 gress).

13 MILITARY PERSONNEL, NAVY

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

19 MILITARY PERSONNEL, MARINE CORPS

20 For an additional amount for “Military Personnel,
21 Marine Corps”, \$1,251,726,000: *Provided*, That the
22 amounts provided under this heading are designated as
23 an emergency requirement pursuant to section 402 of the
24 conference report to accompany S. Con. Res. 95 (108th
25 Congress).

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$1,473,472,000: *Provided*, That the amounts
4 provided under this heading are designated as an emer-
5 gency requirement pursuant to section 402 of the con-
6 ference report to accompany S. Con. Res. 95 (108th Con-
7 gress).

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$40,327,000: *Provided*, That the amounts pro-
11 vided under this heading are designated as an emergency
12 requirement pursuant to section 402 of the conference re-
13 port to accompany S. Con. Res. 95 (108th Congress).

14 RESERVE PERSONNEL, NAVY

15 For an additional amount for “Reserve Personnel,
16 Navy”, \$11,111,000: *Provided*, That the amounts pro-
17 vided under this heading are designated as an emergency
18 requirement pursuant to section 402 of the conference re-
19 port to accompany S. Con. Res. 95 (108th Congress).

20 RESERVE PERSONNEL, MARINE CORPS

21 For an additional amount for “Reserve Personnel,
22 Marine Corps”, \$4,115,000: *Provided*, That the amounts
23 provided under this heading are designated as an emer-
24 gency requirement pursuant to section 402 of the con-

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

3 RESERVE PERSONNEL, AIR FORCE

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

9 NATIONAL GUARD PERSONNEL, ARMY

10 For an additional amount for “National Guard Per-
11 sonnel, Army”, \$430,300,000: *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 NATIONAL GUARD PERSONNEL, AIR FORCE

17 For an additional amount for “National Guard Per-
18 sonnel, Air Force”, \$91,000: *Provided*, That the amounts
19 provided under this heading are designated as an emer-
20 gency requirement pursuant to section 402 of the con-
21 ference report to accompany S. Con. Res. 95 (108th Con-
22 gress).

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$17,366,004,000: *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 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$3,030,801,000: *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 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$982,464,000: *Provided*, That
19 the amounts provided under this heading are designated
20 as an emergency requirement pursuant to section 402 of
21 the conference report to accompany S. Con. Res. 95
22 (108th Congress).

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$5,769,450,000: *Provided*, That the

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

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 For an additional amount for “Operation and Main-
7 tenance, Defense-Wide”, \$3,061,300,000, of which—

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

12 (2) up to \$1,220,000,000, to remain available
13 until expended, may be used for payments to reim-
14 burse Pakistan, Jordan, and other key cooperating
15 nations, for logistical, military, and other support
16 provided, or to be provided, to United States mili-
17 tary operations, notwithstanding any other provision
18 of law: *Provided*, That such payments may be made
19 in such amounts as the Secretary of Defense, with
20 the concurrence of the Secretary of State, and in
21 consultation with the Director of the Office of Man-
22 agement and Budget, may determine, in his discre-
23 tion, based on documentation determined by the Sec-
24 retary of Defense to adequately account for the sup-
25 port provided, and such determination is final and

1 conclusive upon the accounting officers of the United
2 States, and 15 days following notification to the ap-
3 propriate congressional committees: *Provided further*,
4 That the Secretary of Defense shall provide quar-
5 terly reports to the Committees on Appropriations
6 on the use of funds provided in this paragraph: *Pro-*
7 *vided further*, That the amounts provided under this
8 heading are designated as an emergency requirement
9 pursuant to section 402 of the conference report to
10 accompany S. Con. Res. 95 (108th Congress).

11 OPERATION AND MAINTENANCE, ARMY RESERVE

12 For an additional amount for “Operation and Main-
13 tenance, Army Reserve”, \$8,154,000: *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 OPERATION AND MAINTENANCE, NAVY RESERVE

19 For an additional amount for “Operation and Main-
20 tenance, Navy Reserve”, \$75,164,000: *Provided*, That the
21 amounts provided under this heading are designated as
22 an emergency requirement pursuant to section 402 of the
23 conference report to accompany S. Con. Res. 95 (108th
24 Congress).

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For an additional amount for “Operation and Main-
4 tenance, Marine Corps Reserve”, \$24,920,000: *Provided*,
5 That the amounts provided under this heading are des-
6 ignated as an emergency requirement pursuant to section
7 402 of the conference report to accompany S. Con. Res.
8 95 (108th Congress).

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For an additional amount for “Operation and Main-
12 tenance, Army National Guard”, \$188,779,000: *Provided*,
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 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For an additional amount for “Overseas Human-
19 tarian, Disaster, and Civic Aid”, \$10,000,000, to remain
20 available until September 30, 2006: *Provided*, That the
21 amounts provided under this heading are designated as
22 an emergency requirement pursuant to section 402 of the
23 conference report to accompany S. Con. Res. 95 (108th
24 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
11 including the provision of equipment, supplies, services,
12 training, facility and infrastructure repair, renovation, and
13 construction, and funding: *Provided further*, That the au-
14 thority to provide assistance under this section is in addi-
15 tion to any other authority to provide assistance to foreign
16 nations: *Provided further*, That the Secretary of Defense
17 may transfer the funds provided herein to appropriations
18 for military personnel; operation and maintenance; Over-
19 seas Humanitarian, Disaster, and Civic Aid; procurement;
20 research, development, test and evaluation; and defense
21 working capital funds to accomplish the purposes provided
22 herein: *Provided further*, That this transfer authority is
23 in addition to any other transfer authority available to the
24 Department of Defense: *Provided further*, That upon a de-
25 termination that all or part of the funds so transferred

1 from this appropriation are not necessary for the purposes
2 provided herein, such amounts may be transferred back
3 to this appropriation: *Provided further*, That contributions
4 of funds for the purposes provided herein from any person,
5 foreign government, or international organization may be
6 credited to this Fund, and used for such purposes: *Pro-*
7 *vided further*, That the Secretary of Defense shall, not
8 fewer than 5 days prior to making transfers from this ap-
9 propriation, notify the congressional defense committees
10 in writing of the details of any such transfer: *Provided*
11 *further*, That the Secretary shall submit a report no later
12 than 30 days after the end of each fiscal quarter to the
13 congressional defense committees summarizing the details
14 of the transfer of funds from this appropriation: *Provided*
15 *further*, That the amounts provided under this heading are
16 designated as an emergency requirement pursuant to sec-
17 tion 402 of the conference report to accompany S. Con.
18 Res. 95 (108th Congress).

19 IRAQ SECURITY FORCES FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For the “Iraq Security Forces Fund”,
22 \$5,700,000,000, to remain available until September 30,
23 2006: *Provided*, That such funds shall be available to the
24 Secretary of Defense, notwithstanding any other provision
25 of law, for the purpose of allowing the Commander, Multi-

1 National Security Transition Command—Iraq, or the Sec-
2 retary’s designee to provide assistance, with the concur-
3 rence of the Secretary of State, to the security forces of
4 Iraq including the provision of equipment, supplies, serv-
5 ices, training, facility and infrastructure repair, renova-
6 tion, and construction, and funding: *Provided further*,
7 That the authority to provide assistance under this section
8 is in addition to any other authority to provide assistance
9 to foreign nations: *Provided further*, That the Secretary
10 of Defense may transfer the funds provided herein to ap-
11 propriations for military personnel; operation and mainte-
12 nance; Overseas Humanitarian, Disaster, and Civic Aid;
13 procurement; research, development, test and evaluation;
14 and defense working capital funds to accomplish the pur-
15 poses provided herein: *Provided further*, That this transfer
16 authority is in addition to any other transfer authority
17 available to the Department of Defense: *Provided further*,
18 That upon a determination that all or part of the funds
19 so transferred from this appropriation are not necessary
20 for the purposes provided herein, such amounts may be
21 transferred back to this appropriation: *Provided further*,
22 That contributions of funds for the purposes provided
23 herein from any person, foreign government, or inter-
24 national organization may be credited to this Fund, and
25 used for such purposes: *Provided further*, That, notwith-

1 standing any other provision of law, from funds made
2 available under this heading, up to \$99,000,000 may be
3 used to provide assistance to the Government of Jordan
4 to establish a regional training center designed to provide
5 comprehensive training programs for regional military and
6 security forces and military and civilian officials, to en-
7 hance the capability of such forces and officials to respond
8 to existing and emerging security threats in the region:
9 *Provided further*, That assistance authorized by the pre-
10 ceding proviso may include the provision of facilities,
11 equipment, supplies, services, training and funding, and
12 the Secretary of Defense may transfer funds to any Fed-
13 eral agency for the purpose of providing such assistance:
14 *Provided further*, That the Secretary of Defense shall, not
15 fewer than 5 days prior to making transfers from this ap-
16 propriation, notify the congressional defense committees
17 in writing of the details of any such transfer: *Provided*
18 *further*, That the Secretary shall submit a report no later
19 than 30 days after the end of each fiscal quarter to the
20 congressional defense committees summarizing the details
21 of the transfer of funds from this appropriation: *Provided*
22 *further*, That the amounts provided under this heading are
23 designated as an emergency requirement pursuant to sec-
24 tion 402 of the conference report to accompany S. Con.
25 Res. 95 (108th Congress).

1 PROCUREMENT OF AMMUNITION, ARMY

2 For an additional amount for “Procurement of Am-
3 munition, Army”, \$532,800,000, to remain available until
4 September 30, 2007: *Provided*, That the amounts provided
5 under this heading are designated as an emergency re-
6 quirement pursuant to section 402 of the conference re-
7 port to accompany S. Con. Res. 95 (108th Congress).

8 OTHER PROCUREMENT, ARMY

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Other Procurement,
11 Army”, \$6,634,905,000, to remain available until Sep-
12 tember 30, 2007, of which \$85,000,000 shall be derived
13 by transfer from “Iraq Freedom Fund”: *Provided*, That
14 the amounts provided under this heading are designated
15 as an emergency requirement pursuant to section 402 of
16 the conference report to accompany S. Con. Res. 95
17 (108th Congress).

18 AIRCRAFT PROCUREMENT, NAVY

19 For an additional amount for “Aircraft Procurement,
20 Navy”, \$200,295,000, to remain available until September
21 30, 2007: *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 WEAPONS PROCUREMENT, NAVY

2 For an additional amount for “Weapons Procure-
3 ment, Navy”, \$71,600,000, to remain available until Sep-
4 tember 30, 2007: *Provided*, That the amounts provided
5 under this heading are designated as an emergency re-
6 quirement pursuant to section 402 of the conference re-
7 port to accompany S. Con. Res. 95 (108th Congress).

8 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
9 CORPS

10 For an additional amount for “Procurement of Am-
11 munition, Navy and Marine Corps”, \$141,735,000, to re-
12 main available until September 30, 2007: *Provided*, That
13 the amounts provided under this heading are designated
14 as an emergency requirement pursuant to section 402 of
15 the conference report to accompany S. Con. Res. 95
16 (108th Congress).

17 OTHER PROCUREMENT, NAVY

18 For an additional amount for “Other Procurement,
19 Navy”, \$78,372,000, to remain available until September
20 30, 2007: *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 PROCUREMENT, MARINE CORPS

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

8 AIRCRAFT PROCUREMENT, AIR FORCE

9 For an additional amount for “Aircraft Procurement,
10 Air Force”, \$279,241,000, 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 PROCUREMENT OF AMMUNITION, AIR FORCE

16 For an additional amount for “Procurement of Am-
17 muniton, Air Force”, \$6,998,000, to remain available
18 until September 30, 2007: *Provided*, That the amounts
19 provided under this heading are designated as an emer-
20 gency requirement pursuant to section 402 of the con-
21 ference report to accompany S. Con. Res. 95 (108th Con-
22 gress).

23 OTHER PROCUREMENT, AIR FORCE

24 For an additional amount for “Other Procurement,
25 Air Force”, \$2,658,527,000, to remain available until

1 September 30, 2007: *Provided*, That the amounts provided
2 under this heading are designated as an emergency re-
3 quirement pursuant to section 402 of the conference re-
4 port to accompany S. Con. Res. 95 (108th Congress).

5 PROCUREMENT, DEFENSE-WIDE

6 For an additional amount for “Procurement, De-
7 fense-Wide”, \$646,327,000, to remain available until Sep-
8 tember 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 RESEARCH, DEVELOPMENT, TEST AND
13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 ARMY

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Army”, \$25,170,000, to re-
18 main available until September 30, 2006: *Provided*, That
19 the amounts provided under this heading are designated
20 as an emergency requirement pursuant to section 402 of
21 the conference report to accompany S. Con. Res. 95
22 (108th Congress).

1 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,
2 NAVY

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

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

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

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

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Defense-Wide”,
23 \$159,600,000, to remain available until September 30,
24 2006: *Provided*, That the amounts provided under this
25 heading are designated as an emergency requirement pur-

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

3 REVOLVING AND MANAGEMENT FUNDS

4 DEFENSE WORKING CAPITAL FUNDS

5 For an additional amount for “Defense Working
6 Capital Funds”, \$1,411,300,000: *Provided*, That the
7 amounts provided under this heading are designated as
8 an emergency requirement pursuant to section 402 of the
9 conference report to accompany S. Con. Res. 95 (108th
10 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 amounts provided under this
15 heading are designated as an emergency requirement pur-
16 suant to section 402 of the conference report to accom-
17 pany S. Con. Res. 95 (108th Congress).

18 OTHER DEPARTMENT OF DEFENSE PROGRAMS

19 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

20 DEFENSE

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Drug Interdiction and
23 Counter-Drug Activities, Defense”, \$257,000,000, to re-
24 main available until December 31, 2005: *Provided*, That
25 these funds may be used for such activities related to Af-

1 ghanistan and the Central Asia area: *Provided further,*
2 That the Secretary of Defense may transfer the funds pro-
3 vided herein only to appropriations for military personnel;
4 operation and maintenance; procurement; and research,
5 development, test and evaluation: *Provided further,* That
6 the funds transferred shall be merged with and be avail-
7 able for the same purposes and for the same time period
8 as the appropriation to which transferred: *Provided fur-*
9 *ther,* That the transfer authority provided in this para-
10 graph is in addition to any other transfer authority avail-
11 able to the Department of Defense: *Provided further,* That
12 upon a determination that all or part of the funds trans-
13 ferred from this appropriation are not necessary for the
14 purposes provided herein, such amounts may be trans-
15 ferred back to this appropriation: *Provided further,* That
16 not to exceed \$70,000,000 of the funds provided herein
17 may be used to reimburse fully this account for obligations
18 incurred for the purposes provided under this heading
19 prior to enactment of this Act: *Provided further,* 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 OFFICE OF THE INSPECTOR GENERAL

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

7 RELATED AGENCIES

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 pur-
14 suant to section 402 of the conference report to accom-
15 pany S. Con. Res. 95 (108th Congress).

16 GENERAL PROVISIONS—THIS CHAPTER

17 (TRANSFER OF FUNDS)

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

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

11 SEC. 1102. Section 8005 of the Department of De-
12 fense Appropriations Act, 2005 (Public Law 108–287;
13 118 Stat. 969), is amended by striking “\$3,500,000,000”
14 and inserting “\$5,500,000,000”: *Provided*, That the
15 amounts made available by the transfer of funds in or pur-
16 suant to this section 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 (TRANSFER OF FUNDS)

20 SEC. 1103. During fiscal year 2005, the Secretary
21 of Defense may transfer amounts in or credited to the De-
22 fense Cooperation Account, pursuant to section 2608 of
23 title 10, United States Code, to such appropriations or
24 funds of the Department of Defense as he shall determine
25 for use consistent with the purposes for which such funds
26 were contributed and accepted: *Provided*, That such

1 amounts shall be available for the same time period as
2 the appropriation to which transferred: *Provided further*,
3 That the Secretary shall report to the Congress all trans-
4 fers made pursuant to this authority: *Provided further*,
5 That the amounts provided under this heading are des-
6 ignated as an emergency requirement pursuant to section
7 402 of the conference report to accompany S. Con. Res.
8 95 (108th Congress).

9 SEC. 1104. (a) AUTHORITY TO PROVIDE SUP-
10 PORT.—Of the amount appropriated by this Act under the
11 heading, “Drug Interdiction and Counter-Drug Activities,
12 Defense”, not to exceed \$34,000,000 may be made avail-
13 able for support for counter-drug activities of the Govern-
14 ment of Afghanistan, and not to exceed \$4,000,000 may
15 be made available for support for counter-drug activities
16 of the Government of Pakistan: *Provided*, That such sup-
17 port shall be in addition to support provided for the
18 counter-drug activities of said Governments under any
19 other provision of the law.

20 (b) TYPES OF SUPPORT.—(1) Except as specified in
21 subsections (b)(2) and (b)(3) of this section, the support
22 that may be provided under the authority in this section
23 shall be limited to the types of support specified in section
24 1033(c)(1) of the National Defense Authorization Act for
25 Fiscal Year 1998 (Public Law 105–85, as amended by

1 Public Law 106–398 and Public Law 108–136) and condi-
2 tions on the provision of support as contained in section
3 1033 shall apply for fiscal year 2005.

4 (2) The Secretary of Defense may transfer vehicles,
5 aircraft, and detection, interception, monitoring and test-
6 ing equipment to said Governments for counter-drug ac-
7 tivities.

8 (3) For the Government of Afghanistan, the Sec-
9 retary of Defense may also provide individual and crew-
10 served weapons, and ammunition for counter-drug secu-
11 rity forces.

12 SEC. 1105. The paragraph under the heading “Oper-
13 ation and Maintenance, Defense-Wide” in title II of the
14 Department of Defense Appropriations Act, 2005 (Public
15 Law 108–287; 118 Stat. 954), is amended in the first pro-
16 viso by striking “\$32,000,000” and inserting
17 “\$40,000,000”.

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

24 SEC. 1107. Section 1201(a) of the Ronald W. Reagan
25 National Defense Authorization Act for Fiscal Year 2005

1 (Public Law 108–375; 118 Stat. 2077), as amended by
2 section 102 of title I of division J of the Consolidated Ap-
3 propriations Act, 2005 (Public Law 108–447), is further
4 amended by striking “\$500,000,000” in the matter pre-
5 ceding paragraph (1) and inserting “\$854,000,000”.

6 SEC. 1108. Section 8090(b) of the Department of De-
7 fense Appropriations Act, 2005 (Public Law 108–287), is
8 amended by striking “\$185,000,000” and inserting
9 “\$210,000,000”.

10 SEC. 1109. (a) During calendar year 2005 and not-
11 withstanding section 5547 of title 5, United States Code,
12 the head of an Executive agency may waive the limitation,
13 up to \$200,000, established in that section for total com-
14 pensation, including limitations on the aggregate of basic
15 pay and premium pay payable in a calendar year, to an
16 employee who performs work while in an overseas location
17 that is in the area of responsibility of the Commander of
18 the U.S. Central Command, in support of, or related to—

19 (1) a military operation, including a contin-
20 gency operation, or

21 (2) an operation in response to a declared emer-
22 gency.

23 (b) To the extent that a waiver under subsection (a)
24 results in payment of additional premium pay of a type
25 that is normally creditable as basic pay for retirement or

1 any other purpose, such additional pay shall not be consid-
2 ered to be basic pay for any purpose, nor shall it be used
3 in computing a lump-sum payment for accumulated and
4 accrued annual leave under section 5551 of title 5, United
5 States Code.

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

10 SEC. 1110. Section 1096(b) of the Intelligence Re-
11 form and Terrorism Prevention Act of 2004 (Public Law
12 108–458) is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “in the fiscal year after the effective date of
15 this Act” and inserting “during fiscal years 2005
16 and 2006”; and

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

20 SEC. 1111. Section 1051a(e) of title 10, United
21 States Code, is amended by striking “September 30,
22 2005” and inserting “December 31, 2005”.

23 SEC. 1112. Notwithstanding subsection (c) of section
24 308e of title 37, United States Code, the maximum
25 amount of the bonus paid to a member of the Armed

1 Forces pursuant to a reserve affiliation agreement entered
2 into under such section during fiscal year 2005 shall not
3 exceed \$10,000, and the Secretary of Defense, and the
4 Secretary of Homeland Security with respect to the Coast
5 Guard, may prescribe regulations under subsection (f) of
6 such section to modify the method by which bonus pay-
7 ments are made under reserve affiliation agreements en-
8 tered into during such fiscal year.

9 SEC. 1113. (a) INCREASE IN SGLI MAXIMUM.—Sec-
10 tion 1967 of title 38, United States Code, is amended—

11 (1) in subsection (a)(3)(A)(i), by striking
12 “\$250,000” and inserting “\$400,000 or such lesser
13 amount as the member may elect in increments of
14 \$50,000”;

15 (2) in subsection (a)(3)(B), by striking “member
16 or spouse” in the last sentence and inserting “mem-
17 ber, be evenly divisible by \$50,000 and, in the case
18 of a member’s spouse”; and

19 (3) in subsection (d), by striking “of \$250,000”
20 and inserting “in effect under subsection
21 (a)(3)(A)(i)”.

22 (b) SPOUSE CONSENT AND BENEFICIARY NOTIFICA-
23 TION.—Section 1967(a)(3)(B) of such title is amended—

24 (1) by inserting “(i)” after “(B)”; and

1 (2) by adding at the end the following new
2 clauses:

3 “(ii) A member who is married may
4 not, without the written concurrence of the
5 member’s spouse—

6 “(I) elect not to be insured under
7 this subchapter or to be insured under
8 this subchapter in an amount less
9 than the maximum amount provided
10 for under subparagraph (A)(i); or

11 “(II) designate any other person
12 as a beneficiary under this program.

13 “(iii) Whenever a member who is not
14 married elects not to be insured under this
15 subchapter or to be insured under this sub-
16 chapter in an amount less than the max-
17 imum amount provided for under subpara-
18 graph (A)(i), the Secretary concerned shall
19 provide a notice of such election to any
20 person designated by the member as a ben-
21 efiary or designated as the member’s
22 next-of-kin for the purpose of emergency
23 notification, as determined under regula-
24 tions prescribed by the Secretary of De-
25 fense.”.

1 (c) LIMITATION ON SPOUSE COVERAGE TO AMOUNT
2 OF MEMBER COVERAGE.—Section 1967(a)(3)(C) of such
3 title is amended by inserting before the period at the end
4 the following: “as applicable to such member under sub-
5 paragraph (A)(i)”.

6 (d) CONFORMING AMENDMENTS TO VGLI PROVI-
7 SIONS.—Section 1977 of such title is amended by striking
8 “\$250,000” each place it appears and inserting
9 “\$400,000”.

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

12 (1) in subsection (a), by striking “\$12,000 (as
13 adjusted under subsection (c))” and inserting
14 “\$100,000”; and

15 (2) by striking subsection (e).

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

19 SEC. 1114. (a) SPECIAL DEATH GRATUITY FOR CER-
20 TAIN PRIOR DEATHS IN SERVICE.—In the case of the
21 death of a member of the uniformed services that is a
22 qualifying death (as specified in subsection (b)), the Sec-
23 retary concerned shall pay a death gratuity of not more
24 than \$238,000. Of that amount—

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

3 (2) \$88,000 shall be paid in the manner speci-
4 fied in subsection (d).

5 (b) QUALIFYING DEATHS.—The death of a member
6 of the uniformed services is a qualifying death for purpose
7 of this section if—

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

11 (2) for the purpose of section 1114(a)(2), the
12 death was a direct result of an injury or illness (or
13 combination of one or more injuries or illness) in-
14 curred in Operation Enduring Freedom or Operation
15 Iraqi Freedom, as determined under regulations pre-
16 scribed by the Secretary of Defense; and

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

22 (c) SGLI BENEFICIARIES.—A payment pursuant to
23 subsection (a)(1) by reason of a covered death shall be
24 paid—

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

7 (2) in the case of a member who elected not to
8 be insured under the provisions of that subchapter,
9 in equal shares to the person or persons who would
10 have received proceeds under those provisions of law
11 for a member who is insured under that subchapter
12 but does not designate named beneficiaries.

13 (d) **MILITARY DEATH GRATUITY BENEFICIARIES.**—
14 A payment pursuant to subsection (a)(2) by reason of a
15 covered death shall be paid equal shares to the bene-
16 ficiaries who were paid the death gratuity that was paid
17 with respect to that death under subchapter II of chapter
18 75 of title 10, United States Code.

19 (e) **STATUS OF PAYMENTS.**—A death gratuity pay-
20 able under this section by reason of a qualifying death
21 is in addition to any other death gratuity or other benefit
22 payable by the United States by reason of that death.

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

1 SEC. 1115. Funds appropriated in this chapter, or
2 made available by transfer of funds in or pursuant to this
3 chapter, for intelligence activities are deemed to be specifi-
4 cally authorized by the Congress for purposes of section
5 504 of the National Security Act of 1947 (50 U.S.C. 414).

6 SEC. 1116. None of the funds provided in this chap-
7 ter may be used to finance programs or activities denied
8 by Congress in fiscal year 2004 and 2005 appropriations
9 to the Department of Defense or to initiate a procurement
10 or research, development, test and evaluation new start
11 program without prior written notification to the congres-
12 sional defense committees.

13 CHAPTER 2

14 DEPARTMENT OF DEFENSE

15 MILITARY CONSTRUCTION, ARMY

16 For an additional amount for “Military Construction,
17 Army”, \$930,100,000, to remain available until Sep-
18 tember 30, 2006: *Provided*, That \$669,100,000 of such
19 additional amount may not be obligated until after that
20 date on which the Secretary of Defense submits to the
21 Committees on Appropriations of the House of Represent-
22 atives and Senate the comprehensive master plans for
23 overseas military infrastructure required by House Report
24 108–342: *Provided further*, That notwithstanding any
25 other provision of law, such funds may be obligated or ex-

1 pended to carry out planning and design and military con-
2 struction projects not otherwise authorized by law: *Pro-*
3 *vided further*, That the amounts provided under this head-
4 ing are designated as an emergency requirement pursuant
5 to section 402 of the conference report to accompany S.
6 Con. Res. 95 (108th Congress).

7 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
8 For an additional amount for “Military Construction,
9 Navy and Marine Corps”, \$92,720,000, to remain avail-
10 able until September 30, 2006: *Provided*, That
11 \$32,380,000 of such additional amount may not be obli-
12 gated until after that date on which the Secretary of De-
13 fense submits to the Committees on Appropriations of the
14 House of Representatives and Senate the comprehensive
15 master plans for overseas military infrastructure required
16 by House Report 108–342: *Provided further*, That not-
17 withstanding any other provision of law, such funds may
18 be obligated or expended to carry out planning and design
19 and military construction projects not otherwise author-
20 ized by law: *Provided further*, That the amounts provided
21 under this heading are designated as an emergency re-
22 quirement pursuant to section 402 of the conference re-
23 port to accompany S. Con. Res. 95 (108th Congress).

1 MILITARY CONSTRUCTION, AIR FORCE

2 For an additional amount for “Military Construction,
3 Air Force”, \$301,386,000, to remain available until Sep-
4 tember 30, 2006: *Provided*, That \$301,386,000 of such
5 additional amount may not be obligated until after that
6 date on which the Secretary of Defense submits to the
7 Committees on Appropriations of the House of Represent-
8 atives and Senate the comprehensive master plans for
9 overseas military infrastructure required by House Report
10 108–342: *Provided further*, That notwithstanding any
11 other provision of law, such funds may be obligated or ex-
12 pended to carry out planning and design and military con-
13 struction projects not otherwise authorized by law: *Pro-*
14 *vided further*, That the amounts provided under this head-
15 ing are designated as an emergency requirement pursuant
16 to section 402 of the conference report to accompany S.
17 Con. Res. 95 (108th Congress).

18 MILITARY PERSONNEL, ARMY

19 For an additional amount for “Military Personnel,
20 Army”, \$1,542,100,000: *Provided*, That the amounts pro-
21 vided under this heading are designated as an emergency
22 requirement pursuant to section 402 of the conference re-
23 port to accompany S. Con. Res. 95 (108th Congress).

1 OPERATION AND MAINTENANCE, ARMY

2 For an additional amount for “Operation and Main-
3 tenance, Army”, \$66,300,000: *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 DEFENSE HEALTH PROGRAM

9 For an additional amount for “Defense Health Pro-
10 gram”, \$175,550,000 for operation and maintenance: *Pro-*
11 *vided*, That the amounts provided under this heading are
12 designated as an emergency requirement pursuant to sec-
13 tion 402 of the conference report to accompany S. Con.
14 Res. 95 (108th Congress).

15 TITLE II—INTERNATIONAL PROGRAMS AND AS-
16 SISTANCE FOR RECONSTRUCTION AND THE
17 WAR ON TERROR

18 CHAPTER 1

19 BILATERAL ECONOMIC ASSISTANCE

20 FUNDS APPROPRIATED TO THE PRESIDENT

21 UNITED STATES AGENCY FOR INTERNATIONAL

22 DEVELOPMENT

23 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

24 For an additional amount for “International Disaster
25 and Famine Assistance”, \$44,000,000, to remain available

1 until expended, for emergency expenses related to the hu-
2 manitarian crisis in the Darfur region of Sudan: *Provided*,
3 That the amounts provided under this heading are des-
4 ignated as an emergency requirement pursuant to section
5 402 of the conference report to accompany S. Con. Res.
6 95 (108th Congress).

7 OPERATING EXPENSES OF THE UNITED STATES AGENCY
8 FOR INTERNATIONAL DEVELOPMENT

9 For an additional amount for “Operating Expenses
10 of the United States Agency for International Develop-
11 ment”, \$24,400,000, to remain available until September
12 30, 2006.

13 OPERATING EXPENSES OF THE UNITED STATES AGENCY
14 FOR INTERNATIONAL DEVELOPMENT

15 OFFICE OF INSPECTOR GENERAL

16 For an additional amount for “Operating Expenses
17 of the United States Agency for International Develop-
18 ment Office of Inspector General”, \$2,500,000, to remain
19 available until September 30, 2006.

20 OTHER BILATERAL ECONOMIC ASSISTANCE

21 ECONOMIC SUPPORT FUND

22 For an additional amount for “Economic Support
23 Fund”, \$684,700,000, to remain available until Sep-
24 tember 30, 2006, of which up to \$200,000,000 may be

1 provided for programs, activities, and efforts to support
2 Palestinians.

3 For an additional amount for “Economic Support
4 Fund”, \$376,500,000, to remain available until Sep-
5 tember 30, 2006: *Provided*, That these funds are hereby
6 designated by Congress to be emergency requirements
7 pursuant to section 402 of the conference report to accom-
8 pany S. Con. Res. 95 (108th Congress).

9 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
10 FORMER SOVIET UNION

11 For an additional amount for “Assistance for the
12 Independent States of the Former Soviet Union” for as-
13 sistance for Ukraine, \$33,700,000, to remain available
14 until September 30, 2006.

15 DEPARTMENT OF STATE
16 INTERNATIONAL NARCOTICS CONTROL AND LAW
17 ENFORCEMENT
18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “International Nar-
20 cotics Control and Law Enforcement”, \$594,000,000, to
21 remain available until September 30, 2007, of which not
22 more than \$400,000,000 may be made available to provide
23 assistance to the Afghan police: *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 MIGRATION AND REFUGEE ASSISTANCE

4 For an additional amount for “Migration and Ref-
5 ugee Assistance”, \$53,400,000, to remain available until
6 September 30, 2006: *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 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
11 RELATED PROGRAMS

12 For an additional amount for “Nonproliferation,
13 Anti-Terrorism, Demining and Related Programs”,
14 \$17,100,000, to remain available until September 30,
15 2006: *Provided*, That the amounts provided under this
16 heading are designated as an emergency requirement pur-
17 suant to section 402 of the conference report to accom-
18 pany S. Con. Res. 95 (108th Congress).

19 MILITARY ASSISTANCE

20 FUNDS APPROPRIATED TO THE PRESIDENT

21 FOREIGN MILITARY FINANCING PROGRAM

22 For an additional amount for the “Foreign Military
23 Financing Program”, \$250,000,000.

1 PEACEKEEPING OPERATIONS

2 For an additional amount for “Peacekeeping Oper-
3 ations”, \$10,000,000, to remain available until September
4 30, 2006: *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 GENERAL PROVISIONS—THIS CHAPTER

9 SEC. 2101. Section 307(a) of the Foreign Assistance
10 Act of 1961 is amended by striking “Iraq.”.

11 (RESCISSION)

12 SEC. 2102. The unexpended balance appropriated by
13 Public Law 108–11 under the heading “Economic Sup-
14 port Fund” and made available for Turkey is rescinded.

15 SEC. 2103. Section 559 of division D of Public Law
16 108–447 is amended by adding at the end the following:

17 “(e) Subsequent to the certification specified in sub-
18 section (a), the Comptroller General of the United States
19 shall conduct an audit and an investigation of the treat-
20 ment, handling, and uses of all funds for the bilateral
21 West Bank and Gaza Program in fiscal year 2005 under
22 the heading ‘Economic Support Fund’. The audit shall ad-
23 dress—

24 “(1) the extent to which such Program complies
25 with the requirements of subsections (b) and (c),
26 and

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

4 SEC. 2104. The Secretary of State shall submit to
5 the Committees on Appropriations not later than 30 days
6 after enactment, and prior to the initial obligation of funds
7 appropriated under this chapter, a report on the proposed
8 uses of all funds on a project-by-project basis, for which
9 the obligation of funds is anticipated: *Provided*, That up
10 to 10 percent of funds appropriated under this chapter
11 may be obligated before the submission of the report sub-
12 ject to the normal notification procedures of the Commit-
13 tees on Appropriations: *Provided further*, That the report
14 shall be updated and submitted to the Committees on Ap-
15 propriations every six months and shall include informa-
16 tion detailing how the estimates and assumptions con-
17 tained in previous reports have changed: *Provided further*,
18 That any new projects and increases in funding of ongoing
19 projects shall be subject to the prior approval of the Com-
20 mittees on Appropriations: *Provided further*, That the Sec-
21 retary of State shall submit to the Committees on Appro-
22 priations, not later than 210 days following enactment of
23 this Act and annually thereafter, a report detailing on a
24 project-by-project basis the expenditure of funds appro-

1 priated under this chapter until all funds have been fully
2 expended.

3 SEC. 2105. The Comptroller General of the United
4 States shall conduct an audit of the use of all funds for
5 the bilateral Afghanistan counternarcotics and alternative
6 livelihood programs in fiscal year 2005 under the heading
7 “Economic Support Fund” and “International Narcotics
8 Control and Law Enforcement”: *Provided*, That the audit
9 shall include an examination of all programs, projects and
10 activities carried out under such programs, including both
11 obligations and expenditures.

12 SEC. 2106. No later than 60 days after the date of
13 enactment of this Act, the President shall submit a report
14 to the Congress detailing:

15 (1) information regarding the Palestinian secu-
16 rity services, including their numbers, accountability,
17 and chains of command, and steps taken to purge
18 from their ranks individuals with ties to terrorist en-
19 tities;

20 (2) specific steps taken by the Palestinian Au-
21 thority to dismantle the terrorist infrastructure, con-
22 fiscate unauthorized weapons, arrest and bring ter-
23 rorists to justice, destroy unauthorized arms fac-
24 tories, thwart and preempt terrorist attacks, and co-
25 operate with Israel’s security services;

1 (3) specific actions taken by the Palestinian Au-
2 thority to stop incitement in Palestinian Authority-
3 controlled electronic and print media and in schools,
4 mosques, and other institutions it controls, and to
5 promote peace and coexistence with Israel;

6 (4) specific steps the Palestinian Authority has
7 taken to ensure democracy, the rule of law, and an
8 independent judiciary, and transparent and account-
9 able governance;

10 (5) the Palestinian Authority's cooperation with
11 U.S. officials in their investigations into the late
12 Palestinian leader Yasser Arafat's finances; and

13 (6) the amount of assistance pledged and actu-
14 ally provided to the Palestinian Authority by other
15 donors:

16 *Provided*, That not later than 180 days after enactment
17 of this Act, the President shall submit to the Congress
18 an update of this report: *Provided further*, That up to
19 \$5,000,000 of the funds made available for assistance to
20 the West Bank and Gaza by this title under "Economic
21 Support Fund" shall be used for an outside, independent
22 evaluation by an internationally recognized accounting
23 firm of the transparency and accountability of Palestinian
24 Authority accounting procedures and an audit of expendi-
25 tures by the Palestinian Authority: *Provided further*, That

1 the waiver authority of section 550(b) of the Foreign Op-
 2 erations, Export Financing, and Related Programs Appro-
 3 priations Act, 2005 (Public Law 108–447) may not be ex-
 4 ercised with respect to funds appropriated for assistance
 5 to the Palestinians under this chapter: *Provided further*,
 6 That the waiver detailed in Presidential Determination
 7 2005–10 issued on December 8, 2004, shall not be ex-
 8 tended to funds appropriated under this chapter.

9 CHAPTER 2

10 DEPARTMENT OF STATE AND RELATED

11 AGENCY

12 DEPARTMENT OF STATE

13 ADMINISTRATION OF FOREIGN AFFAIRS

14 DIPLOMATIC AND CONSULAR PROGRAMS

15 For an additional amount for “Diplomatic and Con-
 16 sular Programs”, \$748,500,000, to remain available until
 17 September 30, 2006: *Provided*, That the amounts provided
 18 under this heading are designated as an emergency re-
 19 quirement pursuant to section 402 of the conference re-
 20 port to accompany S. Con. Res. 95 (108th Congress).

21 EMBASSY SECURITY, CONSTRUCTION, AND

22 MAINTENANCE

23 For an additional amount for “Embassy Security,
 24 Construction, and Maintenance”, \$592,000,000, to re-
 25 main available until expended: *Provided*, That the

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

5 INTERNATIONAL ORGANIZATIONS
6 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
7 ACTIVITIES
8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Contributions for
10 International Peacekeeping Activities”, \$580,000,000, to
11 remain available until September 30, 2006: *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): *Provided further*, That up to
16 \$55,000,000 provided under this heading may be trans-
17 ferred to “Peacekeeping Operations”, to be available for
18 costs of establishing and operating a Sudan war crimes
19 tribunal.

20 RELATED AGENCY
21 BROADCASTING BOARD OF GOVERNORS
22 INTERNATIONAL BROADCASTING OPERATIONS

23 For an additional amount for “International Broad-
24 casting Operations” for activities related to broadcasting
25 to the broader Middle East, \$4,800,000, to remain avail-

1 able until September 30, 2006: *Provided*, That the
2 amounts provided under this heading are designated as
3 an emergency requirement pursuant to section 402 of the
4 conference report to accompany S. Con. Res. 95 (108th
5 Congress).

6 CHAPTER 3

7 DEPARTMENT OF AGRICULTURE

8 FOREIGN AGRICULTURAL SERVICE

9 PUBLIC LAW 480 TITLE II GRANTS

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

16 TITLE III—DOMESTIC APPROPRIATIONS FOR

17 THE WAR ON TERROR

18 CHAPTER 1

19 DEPARTMENT OF ENERGY

20 NATIONAL NUCLEAR SECURITY

21 ADMINISTRATION

22 DEFENSE NUCLEAR NONPROLIFERATION

23 For an additional amount for “Defense Nuclear Non-
24 proliferation”, \$110,000,000, to remain available until ex-
25 pended: *Provided*, That the amounts provided under this

1 heading are designated as an emergency requirement pur-
2 suant to section 402 of the conference report to accom-
3 pany S. Con. Res. 95 (108th Congress).

4 CHAPTER 2

5 DEPARTMENT OF HOMELAND SECURITY

6 UNITED STATES COAST GUARD

7 OPERATING EXPENSES

8 For an additional amount for “Operating Expenses”,
9 \$111,950,000: *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 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

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

1 CHAPTER 3
2 DEPARTMENT OF JUSTICE
3 FEDERAL BUREAU OF INVESTIGATION
4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-
6 penses”, \$78,970,000: *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 DRUG ENFORCEMENT ADMINISTRATION
11 SALARIES AND EXPENSES

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

17 TITLE IV—INDIAN OCEAN TSUNAMI RELIEF
18 CHAPTER 1

19 FUNDS APPROPRIATED TO THE PRESIDENT
20 OTHER BILATERAL ASSISTANCE
21 TSUNAMI RECOVERY AND RECONSTRUCTION FUND
22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses to carry out the Foreign As-
24 sistance Act of 1961, for emergency relief, rehabilitation,
25 and reconstruction aid to countries affected by the tsu-

1 nami and earthquakes of December 2004, and for other
2 purposes, \$656,000,000, to remain available until Sep-
3 tember 30, 2006: *Provided*, That these funds may be
4 transferred by the Secretary of State to any Federal agen-
5 cy or account for any activity authorized under part I (in-
6 cluding chapter 4 of part II) of the Foreign Assistance
7 Act, or under the Agricultural Trade Development and As-
8 sistance Act of 1954, to accomplish the purposes provided
9 herein: *Provided further*, That upon a determination that
10 all or part of the funds so transferred from this appropria-
11 tion are not necessary for the purposes provided herein,
12 such amounts may be transferred back to this appropria-
13 tion: *Provided further*, That funds appropriated under this
14 heading may be used to reimburse fully accounts adminis-
15 tered by the United States Agency for International Devel-
16 opment for obligations incurred for the purposes provided
17 under this heading prior to enactment of this Act, includ-
18 ing Public Law 480 Title II grants: *Provided further*, That
19 the amounts provided under this heading are designated
20 as an emergency requirement pursuant to section 402 of
21 the conference report to accompany S. Con. Res. 95
22 (108th Congress): *Provided further*, That of the amounts
23 provided herein: up to \$10,000,000 may be transferred to
24 and consolidated with the Development Credit Authority
25 for the cost of direct loans and loan guarantees as author-

1 ized by sections 256 and 635 of the Foreign Assistance
2 Act of 1961 in furtherance of the purposes of this heading;
3 up to \$15,000,000 may be transferred to and consolidated
4 with “Operating Expenses of the United States Agency
5 for International Development”, of which up to
6 \$2,000,000 may be used for administrative expenses to
7 carry out credit programs administered by the United
8 States Agency for International Development in further-
9 ance of the purposes of this heading; up to \$500,000 may
10 be transferred to and consolidated with “Operating Ex-
11 penses of the United States Agency for International De-
12 velopment, Office of Inspector General”; and up to
13 \$5,000,000 may be transferred to and consolidated with
14 “Administration of Foreign Affairs Emergencies in the
15 Diplomatic and Consular Service” for the purpose of pro-
16 viding support services for U.S. citizen victims and related
17 operations.

18 **GENERAL PROVISION**

19 **SEC. 4101.** Amounts made available pursuant to sec-
20 tion 492(b) of the Foreign Assistance Act of 1961 to ad-
21 dress relief and rehabilitation needs for countries affected
22 by the tsunami and earthquake of December 2004, prior
23 to the enactment of this Act, shall be in addition to the
24 amount that may be obligated in fiscal year 2005 under
25 that section.

1 SEC. 4102. The Secretary of State shall submit to
2 the Committees on Appropriations not later than 30 days
3 after enactment, and prior to the initial obligation of funds
4 appropriated under this chapter, a report on the proposed
5 uses of all funds on a project-by-project basis, for which
6 the obligation of funds is anticipated: *Provided*, That up
7 to 10 percent of funds appropriated under this chapter
8 may be obligated before the submission of the report sub-
9 ject to the normal notification procedures of the Commit-
10 tees on Appropriations: *Provided further*, That the report
11 shall be updated and submitted to the Committees on Ap-
12 propriations every six months and shall include informa-
13 tion detailing how the estimates and assumptions con-
14 tained in previous reports have changed: *Provided further*,
15 That any proposed new projects and increases in funding
16 of ongoing projects shall be reported to the Committees
17 on Appropriations in accordance with regular notification
18 procedures: *Provided further*, That the Secretary of State
19 shall submit to the Committees on Appropriations, not
20 later than 210 days following enactment of this Act, and
21 every six months thereafter, a report detailing on a
22 project-by project basis, the expenditure of funds appro-
23 priated under this chapter until all funds have been fully
24 expended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$124,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$2,800,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

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

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 For an additional amount for “Operation and Main-
3 tenance, Defense-Wide”, \$29,150,000: *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 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

9 For an additional amount for “Overseas Humani-
10 tarian, Disaster, and Civic Aid”, \$36,000,000, to remain
11 available until September 30, 2006: *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 CHAPTER 3

17 DEPARTMENT OF DEFENSE

18 DEFENSE HEALTH PROGRAM

19 For an additional amount for “Defense Health Pro-
20 gram”, \$3,600,000 for operation and maintenance: *Pro-*
21 *vided*, That the amounts provided under this heading are
22 designated as an emergency requirement pursuant to sec-
23 tion 402 of the conference report to accompany S. Con.
24 Res. 95 (108th Congress).

1 CHAPTER 6
2 DEPARTMENT OF COMMERCE
3 NATIONAL OCEANIC AND ATMOSPHERIC
4 ADMINISTRATION
5 OPERATIONS, RESEARCH, AND FACILITIES

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

13 PROCUREMENT, ACQUISITION AND CONSTRUCTION

14 For an additional amount for “Procurement, Acquisi-
15 tion and Construction”, \$9,670,000, to remain available
16 until September 30, 2007, for United States tsunami
17 warning capabilities: *Provided*, That the amounts provided
18 under this heading are designated as an emergency re-
19 quirement pursuant to section 402 of the conference re-
20 port to accompany S. Con. Res. 95 (108th Congress).

21 TITLE V—GENERAL PROVISIONS AND
22 TECHNICAL CORRECTIONS

23 SEC. 5001. No part of any appropriation contained
24 in this Act shall remain available for obligation beyond
25 the current fiscal year unless expressly so provided herein.

1 (INCLUDING TRANSFERS OF FUNDS)

2 SEC. 5002. Notwithstanding any other provision of
3 law, upon enactment of this Act, the Secretary of Defense
4 shall make the following transfers of funds previously
5 made available in the Department of Defense Appropria-
6 tions Act, 2005 (Public Law 108–287): *Provided*, That the
7 amounts transferred shall be made available for the same
8 purpose and the same time period as the appropriation
9 to which transferred: *Provided further*, That the authority
10 provided in this section is in addition to any other transfer
11 authority available to the Department of Defense: *Pro-*
12 *vided further*, That the amounts shall be transferred be-
13 tween the following appropriations, in the amounts speci-
14 fied:

15 To:

16 Under the heading, “Research, Develop-
17 ment, Test and Evaluation, Air Force,
18 2005/2006”, \$500,000;

19 From:

20 Under the heading, “Other Procurement,
21 Air Force”, \$500,000.

22 To:

23 Under the heading, “Other Procurement,
24 Air Force, 2005/2007”, \$8,200,000;

25 From:

1 Under the heading, “Other Procurement,
2 Navy, 2005/2007”, \$8,200,000.

3 SEC. 5003. Funds appropriated by this Act may be
4 obligated and expended notwithstanding section 15 of the
5 State Department Basic Authorities Act of 1956, section
6 313 of the Foreign Relations Authorization Act, Fiscal
7 Years 1994 and 1995 (Public Law 103–236) and section
8 10 of Public Law 91–672 (22 U.S.C. 2412), and section
9 504(a)(1) of the National Security Act of 1947 (50 U.S.C.
10 414(a)(1)).

11 SEC. 5004. The last proviso under the heading “Op-
12 eration and Maintenance” in title I of division C of Public
13 Law 108–447 is amended by striking “Public Law 108–
14 357” and inserting “Public Law 108–137”.

15 SEC. 5005. Section 101 of title I of division C of Pub-
16 lic Law 108–447 is amended by striking “per project” and
17 all that follows through the period at the end and inserting
18 “for all applicable programs and projects not to exceed
19 \$80,000,000 in each fiscal year.”.

20 SEC. 5006. The matter under the heading “Water
21 and Related Resources” in title II of division C of Public
22 Law 108–447 is amended by inserting before the period
23 at the end the following: “: *Provided further*, That
24 \$4,023,000 of the funds appropriated under this heading
25 shall be deposited in the San Gabriel Basin Restoration

1 Fund established by section 110 of title I of division B
2 of the Miscellaneous Appropriations Act, 2001 (as enacted
3 into law by Public Law 106–554)”.

4 SEC. 5007. In division C, title III of the Consolidated
5 Appropriations Act, 2005 (Public Law 108–447), the item
6 relating to “Department of Energy—Energy Programs—
7 Nuclear Waste Disposal” is amended by—

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

10 (2) striking “to conduct scientific oversight re-
11 sponsibilities and participate in licensing activities
12 pursuant to the Act” and inserting “to participate
13 in licensing activities and other appropriate activities
14 pursuant to the Act”.

15 SEC. 5008. Section 144(b)(2) of title I of division E
16 of Public Law 108–447 is amended by striking “Sep-
17 tember 24, 2004” and inserting “November 12, 2004”.

18 SEC. 5009. In the statement of the managers of the
19 committee of conference accompanying H.R. 4818 (Public
20 Law 108–447; House Report 108–792), in the matter in
21 title III of division F, relating to the Fund for the Im-
22 provement of Education under the heading “Innovation
23 and Improvement”—

24 (1) the provision specifying \$500,000 for the
25 Mississippi Museum of Art, Jackson, MS for Hardy

1 Middle School After School Program shall be
2 deemed to read “Mississippi Museum of Art, Jack-
3 son, MS for a Mississippi Museum of Art After-
4 School Collaborative”;

5 (2) the provision specifying \$2,000,000 for the
6 Milken Family Foundation, Santa Monica, CA, for
7 the Teacher Advancement Program shall be deemed
8 to read “Teacher Advancement Program Founda-
9 tion, Santa Monica, CA for the Teacher Advance-
10 ment Program”;

11 (3) the provision specifying \$1,000,000 for
12 Battelle for Kids, Columbus, OH for a multi-state ef-
13 fort to evaluate and learn the most effective ways for
14 accelerating student academic growth shall be
15 deemed to read “Battelle for Kids, Columbus, OH
16 for a multi-state effort to implement, evaluate and
17 learn the most effective ways for accelerating stu-
18 dent academic growth”;

19 (4) the provision specifying \$750,000 for the
20 Institute of Heart Math, Boulder Creek, CO for a
21 teacher retention and student dropout prevention
22 program shall be deemed to read “Institute of Heart
23 Math, Boulder Creek, CA for a teacher retention
24 and student dropout prevention program”;

1 (5) the provision specifying \$200,000 for Fair-
2 fax County Public Schools, Fairfax, VA for Chinese
3 language programs in Franklin Sherman Elemen-
4 tary School and Chesterbrook Elementary School in
5 McLean, Virginia shall be deemed to read “Fairfax
6 County Public Schools, Fairfax, VA for Chinese lan-
7 guage programs in Shrevevood Elementary School
8 and Wolftrap Elementary School”;

9 (6) the provision specifying \$1,250,000 for the
10 University of Alaska/Fairbanks in Fairbanks, AK,
11 working with the State of Alaska and Catholic Com-
12 munity Services, for the Alaska System for Early
13 Education Development (SEED) shall be deemed to
14 read “University of Alaska/Southeast in Juneau,
15 AK, working with the State of Alaska and Catholic
16 Community Services, for the Alaska System for
17 Early Education Development (SEED)”;

18 (7) the provision specifying \$25,000 for QUILL
19 Productions, Inc., Aston, PA, to develop and dis-
20 seminate programs to enhance the teaching of Amer-
21 ican history shall be deemed to read “QUILL Enter-
22 tainment Company, Aston, PA, to develop and dis-
23 seminate programs to enhance the teaching of Amer-
24 ican history”;

1 (8) the provision specifying \$780,000 for City
2 of St. Charles, MO for the St. Charles Foundry Arts
3 Center in support of arts education shall be deemed
4 to read “The Foundry Art Centre, St. Charles, Mis-
5 souri for support of arts education in conjunction
6 with the City of St. Charles, MO”;

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

12 (10) the provision specifying \$100,000 for Kids
13 with A Promise—The Bowery Mission, Bushkill, PA
14 shall be deemed to read “Kids with A Promise—The
15 Bowery Mission, New York, NY”;

16 (11) the provision specifying \$50,000 for Great
17 Projects Film Company, Inc., Washington, DC, to
18 produce “Educating America”, a documentary about
19 the challenges facing our public schools shall be
20 deemed to read “Great Projects Film Company,
21 Inc., New York, NY, to produce ‘Educating Amer-
22 ica’, a documentary about the challenges facing our
23 public schools”;

24 (12) the provision specifying \$30,000 for Sum-
25 mer Camp Opportunities Provide an Edge

1 (SCOPE), New York, NY for YMCA Camps
2 Skycrest, Speers and Elijabar shall be deemed to
3 read “American Camping Association for Summer
4 Camp Opportunities Provide an Edge (SCOPE),
5 New York, NY for YMCA Camps Skycrest and
6 Speers-Elijabar”; and

7 (13) the provision specifying \$163,000 for
8 Space Education Initiatives, Green Bay, WI for the
9 Wisconsin Space Science Initiative shall be deemed
10 to read “Space Education Initiatives, De Pere, WI
11 for the Wisconsin Space Science Initiative”.

12 SEC. 5010. In the statement of the managers of the
13 committee of conference accompanying H.R. 4818 (Public
14 Law 108–447; House Report 108–792), in the matter in
15 title III of division F, relating to the Fund for the Im-
16 provement of Postsecondary Education under the heading
17 “Higher Education”—

18 (1) the provision specifying \$145,000 for the
19 Belin-Blank Center at the University of Iowa, Iowa
20 City, IA for the Big 10 school initiative to improve
21 minority student access to Advanced Placement
22 courses shall be deemed to read “University of Iowa,
23 Iowa City, IA for the Iowa and Israel: Partners in
24 Excellence program to enhance math and science op-
25 portunities to rural Iowa students”;

1 (2) the provision specifying \$150,000 for Mercy
2 College, Dobbs Ferry, NY for the development of a
3 registered nursing program shall be deemed to read
4 “Mercy College, Dobbs Ferry, NY, for the develop-
5 ment of a master’s degree program in nursing edu-
6 cation, including marketing and recruitment activi-
7 ties”;

8 (3) the provision specifying \$100,000 for Uni-
9 versity of Alaska/Southeast to develop distance edu-
10 cation coursework for arctic engineering courses and
11 programs shall be deemed to read “University of
12 Alaska System Office to develop distance education
13 coursework for arctic engineering courses and pro-
14 grams”; and

15 (4) the provision specifying \$100,000 for Cul-
16 ver-Stockton College, Canton, MO for equipment
17 and technology shall be deemed to read “Moberly
18 Area Community College, Moberly, MO for equip-
19 ment and technology”.

20 SEC. 5011. The matter under the heading “Corpora-
21 tion for National and Community Service—National and
22 Community Service Programs Operating Expenses” in
23 title III of division I of Public Law 108–447 is amended
24 by inserting before the period at the end the following:
25 “: *Provided further*, That the Corporation may use up to

1 1 percent of program grant funds made available under
2 this heading to defray its costs of conducting grant appli-
3 cation reviews, including the use of outside peer review-
4 ers”.

5 SEC. 5012. Section 114 of title I of division I of the
6 Consolidated Appropriations Act, 2005 (Public Law 108-
7 447) is amended by inserting before the period “and sec-
8 tion 303 of Public Law 108-422”.

9 SEC. 5013. Section 117 of title I of division I of the
10 Consolidated Appropriations Act, 2005 (Public Law 108-
11 447) is amended by striking “that are deposited into the
12 Medical Care Collections Fund may be transferred and
13 merged with” and inserting “may be deposited into the”.

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

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

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

1 SEC. 5017. (a) Section 619(a) of title VI of division
2 B of Public Law 108–447 is amended by striking “for
3 the continued modernization of the Mason Building”.

4 (b) Section 621 of title VI of division B of Public
5 Law 108–199, as amended by Public Law 108–447, is
6 amended by striking “, for the continued modernization
7 of the Mason Building”.

8 SEC. 5018. The Department of Justice may transfer
9 funds from any Department of Justice account to “Deten-
10 tion Trustee”: *Provided*, That the notification requirement
11 in section 605(b) of title VI of division B of Public Law
12 108–447 shall remain in effect for any such transfers.

13 SEC. 5019. The referenced statement of managers
14 under the heading “Community Development Fund” in
15 title II of division K of Public Law 108–7 is deemed to
16 be amended—

17 (1) with respect to item number 39 by striking
18 “Conference and Workforce Center in Harrison, Ar-
19 kansas” and inserting “in Harrison, Arkansas for
20 facilities construction of the North Arkansas College
21 Health Sciences Education Center”; and

22 (2) with respect to item number 316 by striking
23 “for renovation of a visitor center to accommodate
24 a Space and Flight Center” and inserting “to build-

1 out the Prince George’s County Economic Develop-
2 ment and Business Assistance Center”.

3 SEC. 5020. The referenced statement of the man-
4 agers under the heading “Community Development Fund”
5 in title II of division G of Public Law 108–199 is deemed
6 to be amended—

7 (1) with respect to item number 56 by striking
8 “Conference and Training Center” and inserting
9 “North Arkansas College Health Sciences Education
10 Center”;

11 (2) with respect to item number 102 by striking
12 “to the Town of Groveland, California for purchase
13 of a youth center” and inserting “to the County of
14 Tuolomne for the purchase of a new youth center in
15 the mountain community of Groveland”;

16 (3) with respect to item number 218 by striking
17 “for construction” and inserting “for design and en-
18 gineering”;

19 (4) with respect to item number 472 by striking
20 “for sidewalk, curbs and facade improvements in the
21 Morton Avenue neighborhood” and inserting “for
22 streetscape renovation”; and

23 (5) with respect to item number 493 by striking
24 “for land acquisition” and inserting “for planning

1 and design of its Sports and Recreation Center and
2 Education Complex”.

3 SEC. 5021. The referenced statement of the man-
4 agers under the heading “Community Development Fund”
5 in title II of division I of Public Law 108–447 is deemed
6 to be amended as follows—

7 (1) with respect to item number 706 by striking
8 “ a public swimming pool” and inserting “recreation
9 fields”;

10 (2) with respect to item number 667 by striking
11 “to the Town of Appomattox, Virginia for facilities
12 construction of an African-American cultural and
13 heritage museum at the Carver-Price building” and
14 inserting “to the County of Appomattox, Virginia for
15 renovation of the Carver-Price building”;

16 (3) with respect to item number 668 by striking
17 “for the Town of South Boston, Virginia for renova-
18 tions and creation of a community arts center at the
19 Prizery” and inserting “for The Prizery in South
20 Boston, Virginia for renovations and creation of a
21 community arts center”;

22 (4) with respect to item number 669 by striking
23 “for the City of Moneta, Virginia for facilities con-
24 struction and renovations of an art, education, and
25 community outreach center” and inserting “for the

1 Moneta Arts, Education, and Community Outreach
2 Center in Moneta, Virginia for facilities construction
3 and renovations”;

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

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

10 SEC. 5022. Section 308 of division B of Public Law
11 108–447 is amended by striking all after the words “shall
12 be deposited”, and inserting “as offsetting receipts to the
13 fund established under 28 U.S.C. 1931 and shall remain
14 available to the Judiciary until expended to reimburse any
15 appropriation for the amount paid out of such appropria-
16 tion for expenses of the Courts of Appeals, District
17 Courts, and Other Judicial Services and the Administra-
18 tive Offices of the United States Courts.”.

19 SEC. 5023. Section 198 of division H of Public Law
20 108–447 is amended by inserting “under title 23 of the
21 United States Code” after “law”.

22 SEC. 5024. The District of Columbia Appropriations
23 Act, 2005 (Public Law 108–335) approved October 18,
24 2004, is amended as follows:

25 (1) Section 331 is amended as follows:

1 (A) in the first sentence by striking the
2 word “\$15,000,000” and inserting
3 “\$42,000,000, to remain available until ex-
4 pended,” in its place, and

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

7 “(5) The amounts may be obligated or ex-
8 pended only if the Mayor notifies the Committees on
9 Appropriations of the House of Representatives and
10 Senate in writing 30 days in advance of any obliga-
11 tion or expenditure.”.

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

14 “SEC. 348. The amount appropriated by this Act may
15 be increased by an additional amount of \$206,736,000 (in-
16 cluding \$49,927,000 from local funds and \$156,809,000
17 from other funds) to be transferred by the Mayor of the
18 District of Columbia to the various headings under this
19 Act as follows:

20 “(1) \$174,927,000 (including \$34,927,000
21 from local funds, and \$140,000,000 from other
22 funds) shall be transferred under the heading ‘Gov-
23 ernment Direction and Support’: *Provided*, That of
24 the funds, \$33,000,000 from local funds shall re-
25 main available until expended: *Provided further*,

1 That of the funds, \$140,000,000 from other funds
2 shall remain available until expended and shall only
3 be available in conjunction with revenue from a pri-
4 vate or alternative financing proposal approved pur-
5 suant to section 106 of DC Act 15–717, the ‘Ball-
6 park Omnibus Financing and Revenue Act of 2004’
7 approved by the District of Columbia, December 29,
8 2004, and

9 “(2) \$15,000,000 from local funds shall be
10 transferred under the heading ‘Repayment of Loans
11 and Interest’, and

12 “(3) \$14,000,000 from other funds shall be
13 transferred under the heading ‘Sports and Enter-
14 tainment Commission’, and

15 “(4) \$2,809,000 from other funds shall be
16 transferred under the heading ‘Water and Sewer Au-
17 thority’.”

18 TITLE VI

19 HUMANITARIAN ASSISTANCE CODE OF 20 CONDUCT

21 SECTION 6001. SHORT TITLE.

22 This title may be cited as the “Humanitarian Assist-
23 ance Code of Conduct Act of 2005”.

1 **SEC. 6002. CODE OF CONDUCT FOR THE PROTECTION OF**
2 **BENEFICIARIES OF HUMANITARIAN ASSIST-**
3 **ANCE.**

4 (a) PROHIBITION.—None of the funds made available
5 for foreign operations, export financing, and related pro-
6 grams under the headings “Migration and Refugee Assist-
7 ance”, “United States Emergency Refugee and Migration
8 Assistance Fund”, “International Disaster and Famine
9 Assistance”, or “Transition Initiatives” may be obligated
10 to an organization that fails to adopt a code of conduct
11 that provides for the protection of beneficiaries of assist-
12 ance under any such heading from sexual exploitation and
13 abuse in humanitarian relief operations.

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

20 (1) “Sexual exploitation and abuse by humani-
21 tarian workers constitute acts of gross misconduct
22 and are therefore grounds for termination of employ-
23 ment.”.

24 (2) “Sexual activity with children (persons
25 under the age of 18) is prohibited regardless of the

1 age of majority or age of consent locally. Mistaken
2 belief regarding the age of a child is not a defense.”.

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

8 (4) “Sexual relationships between humanitarian
9 workers and beneficiaries are strongly discouraged
10 since they are based on inherently unequal power dy-
11 namics. Such relationships undermine the credibility
12 and integrity of humanitarian aid work.”.

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

18 (6) “Humanitarian agencies are obliged to cre-
19 ate and maintain an environment which prevents
20 sexual exploitation and abuse and promotes the im-
21 plementation of their code of conduct. Managers at
22 all levels have particular responsibilities to support
23 and develop systems which maintain this environ-
24 ment.”.

1 **SEC. 6003. REPORT.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, and not later than one year after the
4 date of the enactment of this Act, the President shall
5 transmit to the Committee on Appropriations and the
6 Committee on International Relations of the House of
7 Representatives and the Committee on Appropriations and
8 the Committee on Foreign Relations of the Senate a de-
9 tailed report on the implementation of this title.

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

11 This title—

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

14 (2) applies to funds obligated after the effective
15 date referred to in paragraph (1)—

16 (A) for fiscal year 2005; and

17 (B) any subsequent fiscal year.

18 This Act may be cited as the “Emergency Supple-
19 mental Appropriations Act for Defense, the Global War
20 on Terror, and Tsunami Relief, 2005”.

Union Calendar No. 7

109TH CONGRESS
1ST Session

H. R. 1268

[Report No. 109-16]

A BILL

Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

MARCH 11, 2005

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