AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

109TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 109–16

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND FOR OTHER PURPOSES

MARCH 11, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. LEWIS of California, from the Committee on Appropriations, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1268]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

BILL SUMMARY

The bill recommended by the Committee includes $81,266,878,000 in emergency supplemental appropriations for fiscal year 2005, as detailed below. The recommendation is $614,423,000 below the President's supplemental request.

TITLE I—DEFENSE-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OVERVIEW

On February 14, 2005, the President submitted a request for fiscal year 2005 supplemental appropriations of $73,796,753,000 for

99–809

the Department of Defense and intelligence community activities under the jurisdiction of the Subcommittee on Defense. Funds are requested for Operation Iraqi Freedom; Operation Enduring Freedom, in Afghanistan; Army and Marine Corps restructuring; recapitalization and replacement of equipment; and replenishment of cash balances in certain working capital funds.

Amounts included in the supplemental request in the military personnel accounts for Basic Allowance for Housing (BAH), and in the operation and maintenance accounts for Facilities Sustainment, Restoration, and Modernization (FSRM), are addressed in chapter 2 of this title. Funds requested to replenish supplies and operating accounts for resources diverted from mission accounts for humanitarian relief efforts associated with the December 2004 Indian Ocean Tsunami ($222,050,000) are addressed in title IV.

The Committee recommendation includes an increase of $2,019,001,000 to address shortfalls in the request. In making this recommendation, the Committee is adhering to three guidelines:

1. Increases above the budget request are for equipment, supplies or operating expenses in support of deployed, soon-to-be-deployed, or returning troops;
2. Increases above the budget request are intended for equipment, supplies or operating expenses for which funds can be obligated in the remainder of fiscal year 2005; and
3. Increases above the budget request are targeted at programs that assist in force protection, or in increasing the survivability of troops in the field.

Major funding increases are provided for the Army and the Marine Corps, the two organizations that have borne the brunt of major combat in the past year, particularly in Iraq. The Committee is convinced that a modest investment in replacing and improving equipment for our ground forces will save lives in the future.

Where justified, the Committee recommendation includes expanded authorities for the Department of Defense for a number of activities. However, while sensitive to the need for flexibility, the Committee has not provided authorities which either have not been properly justified, can be accomplished using existing authorities, or for which no defined need has been identified.

The Committee has continued a commitment to accountability for the use of funds by providing for the application of a number of existing reporting and notification requirements to the obligation and expenditure of supplemental funds. In addition, the Committee is very concerned the Secretary of Defense has not submitted the first biannual report required under section 9010 of the Department of Defense Appropriations Act, 2005. This section requires a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan. The Committee directs that said report be submitted as soon as possible, and that the second report be submitted as specified in law no later than April 30, 2005.

COMMITTEE RECOMMENDATIONS

In title I, chapter 1, the Committee recommends total appropriations of $73,815,754,000 (including $85,000,000 in transfers), which is an increase of $2,019,001,000 over the supplemental budget request. Funding by category is as follows:

Military Personnel	$15,524,994,000
Operation and Maintenance	37,502,036,000
Procurement	18,317,255,000
Research, Development, Test and Evaluation	508,321,000
Revolving and Management Funds	1,443,700,000
Other Department of Defense Programs	257,148,000
Related Agencies	250,300,000
General Provisions	12,000,000

To provide a measure of flexibility to the Department of Defense (DoD), the Committee recommends providing appropriations in two new funds, the Afghanistan Security Forces Fund, and the Iraqi Security Forces Fund.

The Committee bill provides additional transfer authority for funds in this chapter, permitting up to $2,000,000,000 to be reprogrammed among activities following approval by the congressional defense committees through regular order prior-approval notification and reprogramming procedures.

In addition, the Committee bill provides transfer authority for funds provided in the Department of Defense Appropriations Act, 2005 (Public Law 108–287). The cumulative total amount that may be transferred is increased from $3,500,000,000 to $5,500,000,000. The Committee provides this additional transfer authority in order to ensure the Department of Defense has the ability to respond in a timely manner to urgent requirements in support of deployed forces, such as force protection, and to support homeland defense activities under Operation Noble Eagle.

CLASSIFIED ANNEX

The Committee's recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense, and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying this bill. The Committee recommendation also includes language in the classified annex regarding reporting requirements for certain classified activities of the Department of Defense.

The following table summarizes, by appropriations account or general provision, the Committee's recommendations compared to the President's request.

[In thousands of dollars]

Account	Request	Recommendation	Change
Military Personnel:			
Military Personnel, Army	11,756,842	11,779,642	22,800
Military Personnel, Navy	524,980	534,080	9,100
Military Personnel, Marine Corps	1,246,126	1,251,726	5,600
Military Personnel, Air Force	1,316,572	1,473,472	156,900
Reserve Personnel, Army	39,627	40,327	700
Reserve Personnel, Navy	9,411	11,111	1,700
Reserve Personnel, Marine Corps	4,015	4,115	100
Reserve Personnel, Air Force	130	130	-
National Guard Personnel, Army	429,200	430,300	1,100
National Guard Personnel, Air Force	91	91	-
Total Military Personnel	15,326,994	15,524,994	198,000
Operation and Maintenance:			
O&M, Army	17,201,004	17,366,004	165,000
O&M, Navy	3,423,501	3,030,801	(392,700)
O&M, Marine Corps	970,464	982,464	12,000
O&M, Air Force	5,601,510	5,769,450	167,940
O&M, Defense-Wide	3,521,327	3,061,300	(460,027)
O&M, Army Reserve	8,154	8,154	-
O&M, Navy Reserve	75,164	75,164	-
O&M, Marine Corps Reserve	24,920	24,920	-
O&M Army National Guard	188,779	188,779	-
Overseas Humanitarian, Disaster and Civic Aid	10,000	10,000	-
Afghanistan Security Forces Fund	1,285,000	1,285,000	-
Iraq Security Forces Fund	5,700,000	5,700,000	-
Total Operation and Maintenance	38,009,823	37,502,036	(507,787)
Procurement:			
Aircraft Procurement, Army	458,677	458,677	-
Missile Procurement, Army	294,036	340,536	46,500
Procurement of WTCV, Army	2,425,207	2,678,747	253,540
Procurement of Ammunition, Army	475,000	532,800	57,800
Other Procurement, Army	5,316,405	6,634,905	1,318,500
(By transfer - Iraq Freedom Fund)	-	[85,000]	[85,000]
Aircraft Procurement, Navy	200,295	200,295	-
Weapons Procurement, Navy	71,600	71,600	-
Procurement of Ammunition, Navy & Marine Corps	133,635	141,735	8,100
Other Procurement, Navy	85,672	78,372	(7,300)
Procurement, Marine Corps	2,974,045	3,588,495	614,450
Aircraft Procurement, Air Force	269,241	279,241	10,000
Procurement of Ammunition, Air Force	6,998	6,998	-
Other Procurement, Air Force	2,834,328	2,658,527	(175,801)
Procurement, Defense-Wide	591,327	646,327	55,000
Total Procurement	16,136,466	18,317,255	2,180,789
Research, Development, Test and Evaluation			
RDT&E, Army	25,170	25,170	-
RDT&E, Navy	179,051	202,051	23,000
RDT&E, Air Force	102,540	121,500	18,960
RDT&E, Defense-Wide	153,561	159,600	6,039
Total RDT&E	460,322	508,321	47,999

[In thousands of dollars]

Account	Request	Recommendation	Change
Revolving and Management Funds:			
Defense Working Capital Funds	1,311,300	1,411,300	100,000
National Defense Sealift Fund	32,400	32,400	-
Total Revolving and Management Funds	1,343,700	1,443,700	100,000
Other Department of Defense Programs			
Drug Interdiction and Counter-Drug Activities Defense	257,000	257,000	-
Office of the Inspector General	148	148	-
Related Agencies			
Intelligence Community Management Account	250,300	250,300	-
General Provisions:			
General Transfer Authority - Supplemental	[+5,000,000]	[+2,000,000]	[-3,000,000]
General Transfer Authority - FY05 - Sec. 8005	[+2,500,000]	[+2,000,000]	[-500,000]
Defense Cooperation Account Transfer	12,000	12,000	-
Grand Total	71,796,753	73,815,754	2,019,001
(By transfer - Iraq Freedom Fund)	-	[85,000]	[85,000]

[1] Numbers in brackets do not add

REPORTING REQUIREMENTS

The Committee directs the Secretary of Defense to provide a report to the congressional defense committees within 30 days of enactment of this legislation on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The Committee directs that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter for the continuation of the war in Iraq and Afghanistan; and a listing of equipment procured using funds provided in this chapter. Additionally, for the Afghanistan Security Forces Fund, and the Iraq Security Forces Fund, the Secretary of Defense is required to notify the congressional defense committees five days prior to making transfers from the accounts, and to submit a report not later than 30 days after the end of each fiscal quarter detailing the transfer of funds into and out of these accounts so long as either fund remains operational.

Finally, the Committee expects that in order to meet unanticipated requirements, the Department may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The Committee directs the Department of Defense to follow normal prior-approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

MODULARITY

The Department of Defense requested approximately $4.6 billion to purchase equipment for new combat brigades being created under the Army's force restructuring plan known as "modularity". The Department also seeks just over $1.5 billion to cover the cost of military overstrength including pay and benefits of additional Army troops to man these new brigades. The Committee recommends the full amount requested for these activities.

Though concerns are being raised about the advisability of funding this Army restructuring program through emergency supplemental appropriations, the Committee is compelled to fully fund the Army request at this time by an urgency to address the significant challenges the Army now faces. An important catalyst for the Army modularity plan is the need to mitigate stress on the current active duty combat force by creating at least 10 additional combat brigades. At the same time these new forces are being added, all Army combat brigades will be redesigned to enhance their ability to deploy more rapidly and operate more independently on the battlefield. These are laudable goals, and the imperative for achieving them is undeniable.

The funding provided in this bill for equipment purchases under the modularity program will be used by units that will deploy to either Iraq or Afghanistan in the next two troop rotations scheduled for later this year and in 2006. By providing the funding now, the troops will receive much of this equipment prior to deployment. The continuing intensity of conflict, especially in Iraq, warrants outfitting these new units with the best equipment as quickly as possible.

The Committee directs the Secretary of Defense to submit to the congressional defense committees a report, not later than July 1, 2005, detailing the Department's long-range plan for executing and funding Army modularity. The report should identify personnel and equipment requirements, unit restructuring timelines, and associated costs. In addition, the Committee is concerned that the budgeting methods employed to support modularity may result in inefficient program management and contracting. Accordingly, the Committee directs that this report also include DoD plans to review multi-year procurement authority or any other measures to ensure that DoD can contract for required equipment as efficiently as possible.

RESETTING THE FORCE

The Department of Defense requested $6.6 billion for repairing and replacing equipment used in Iraq and Afghanistan under the program known as Army "reset". The Army reset program encompasses efforts to maintain and restore equipment at bases overseas and depots in the United States (funded in the operation and maintenance accounts), as well as to replace equipment lost in combat through new purchases (funded in the weapons procurement accounts). The Committee recommends approving the full request, an amount the Committee believes to be the maximum amount of funding that can be reasonably obligated over the period covered by this supplemental.

The Committee is concerned, however, that the Army has failed to adequately articulate its reset requirements. Reports indicate that the Army's repair and equipment replacement costs associated with Operations Enduring Freedom and Iraqi Freedom will amount to billions of dollars in the foreseeable future. So that the Army's future reset needs may be addressed, the Committee strongly encourages the military service to develop a comprehensive funding and execution plan. The Committee intends to work with the Army to develop this plan.

As the Army redeploys equipment to the United States for major repair and depot maintenance, the Committee also believes the Army should take this opportunity to upgrade battle-worn equipment with the latest technology available. Working in partnership with industry, major repairs and upgrades can be accomplished in an effective, efficient manner to benefit of our forces.

The Department also requested $3.6 billion to cover the equipment repair and weapons replacement costs of the Marine Corps, Navy, Air Force, and Special Operations forces. The Committee recommends $3.9 billion for these programs, an increase of approximately $300,000,000.

MILITARY PERSONNEL

The Committee recommends a total of $15,524,994,000 for the incremental costs of pay and allowances of the active duty and Reserve personnel deployed overseas, retained on active duty to support military operations in Iraq or Afghanistan, or participating in or supporting the global war on terrorism. These include Imminent Danger Pay, Family Separation Allowance, Hardship Duty-location Pay, Subsistence, and additional costs related to the stop loss pro-

gram that was implemented to retain military personnel in critical skill specialties. Also included in the request was funding provided for restoration of prior approval reprogrammings to the baseline military personnel funds, and enhanced death benefits. The Committee believes the Services will require these additional resources to cover their personnel and mobilization costs through the end of fiscal year 2005.

The following table provides details of the recommendations for the military personnel accounts:

[In thousands of dollars]

Account	Recommendation
Military Personnel, Army	
Incremental Wartime Costs	8,043,242
Active Duty Overstrength/Stop-Loss	1,337,400
Restore Baseline Reprogrammings	1,921,100
Enhanced Death Benefits	272,900
Recruiting and Retention	205,000
Total, Military Personnel, Army	11,779,642
Military Personnel, Navy	
Incremental Wartime Costs	491,480
Enhanced Death Benefits	18,900
Recruiting and Retention	23,700
Total, Military Personnel, Navy	534,080
Military Personnel, Marine Corps	
Incremental Wartime Costs	737,426
Active Duty Overstrength	189,400
Restore Baseline Reprogrammings	211,000
Enhanced Death Benefits	113,900
Total, Military Personnel, Marine Corps	1,251,726
Military Personnel, Air Force	
Incremental Wartime Costs	1,300,472
Active Duty Overstrength	148,000
Enhanced Death Benefits	17,000
Recruiting and Retention	8,000
Total, Military Personnel, Air Force	1,473,472
Reserve Personnel, Army	
Premobilization Training	18,427
Training Base Instructors	10,000
Recruiting and Retention	8,900
Enhanced Death Benefits	700
TTAD Special Missions	2,200
Foreign Language Proficiency Pay	100
Total, Reserve Personnel, Army	40,327

[In thousands of dollars]

Account	Recommendation
Reserve Personnel, Navy	
Pay and Allowances	2,811
Enhanced Death Benefits	1,700
Premobilizaiton Training	6,600
Total, Reserve Personnel, Navy	11,111
Reserve Personnel, Marine Corps	
Pays and Allowances/MOS Training	4,015
Enhanced Death Benefits	100
Total, Reserve Personnel, Marine Corps	4,115
Reserve Personnel, Air Force	
Foreign Language Proficiency Pay	130
National Guard Personnel, Army	
Premobilization Training	305,000
Enhanced Death Benefits	1,100
Security Guards	70,000
Recruiting and Retention	54,000
Foreign Language Proficiency Pay	200
Subtotal, National Guard Personnel, Army	430,300
National Guard Personnel, Air Force	
Foreign Language Proficiency Pay	91
Total Military Personnel	15,524,994

OPERATION AND MAINTENANCE

The Committee recommends $37,502,036,000 for operation and maintenance accounts. Funds are provided for personnel support requirements including travel, subsistence, individual and organizational and equipment, reserve component activation costs, and incremental civilian personnel costs. Increases for operating support costs include funds for military operations including spare parts and consumable supplies, transportation, pre-deployment training and training in theater, forward base operating costs, communications, vehicle maintenance, and contracts for linguists, logistics and infrastructure support.

The following table provides details of the recommendations for the operation and maintenance accounts:

[In thousands of dollars]

Account	Recommendation
Operation and Maintenance, Army:	
Incremental Wartime Operating Costs	2,611,800
Personnel Support	1,377,900
Transportation	3,439,800
LOGCAP	1,518,400
Second Destination Transportation	1,231,800
Other Transportation	646,900
Depot Maintenance	1,401,300
Contractor Logistics Support	353,700
Other Maintenance Reset/Recap	1,003,400
SAPI Plates and Body Armor	63,000
Contract Linguists	165,300
Personnel Support	364,300
Training Base Expansion and Linguists Training	22,300
CONUS Base Support	320,804
OCONUS Contract Security Guards	100,000
Army Working Capital Fund Spares	183,000
Other GWOT Support: Equipment; Services	136,100
Intelligence Activities and Support	142,600
Train and Equip	500,000
Lift and Sustain	200,000
Replenish Afghanistan Drawdown	83,300
Commanders Emergency Response Fund	854,000
Mobilization and Demobilization Base Support Operations	152,000
Project and Admin Office Support	329,500
LOGCAP Support to Green Zone	172,000
Classified Programs	190,400
Home Station Training Offset for Deployed Forces	(1,150,000)
Reprogramming Restoral	802,400
Medical Support for Tactical Units	150,000
Total Operation and Maintenance, Army	17,366,004
Operation and Maintenance, Navy:	
Incidental Rate for Deployed Sailors	11,900
Morale, Welfare, and Recreation	8,300
Pre-Deployment Training	8,800
Steaming - Carrier and Expeditionary Strike Groups	145,000
Flying - Carrier and Expeditionary Strike Groups	451,700

[In thousands of dollars]

Account	Recommendation
Other Units (Seabees, Medical)	24,600
Aircraft and Ground Depot Maintenance	134,000
Ship Depot Maintenance	237,000
C4I, Logistics, Material, and Training Support	529,500
Uniformed Security Forces on MSC Ships	21,636
Increase in Composite Fuel Rate	521,000
NFIP (Classified)	52,300
Afghan Freedom Support Act Drawdown	83,300
Home Station Training Offset for Deployed Forces	(159,300)
Airlift	525,500
Sealift	25,500
Miscellaneous Transportation	9,665
Marine Corps Transportation	393,100
Physical Security Equipment	7,300
Total Operation and Maintenance, Navy	3,030,801
Operation and Maintenance, Marine Corps:	
TDY	6,300
Clothing & Other Personnel Eqpt & Supplies	24,900
Medical Support/Health Services	3,500
Other Personnel Support	3,900
Morale, Welfare and Recreation	2,900
OPTEMPO (Fuel, Other POL, Parts)	311,380
SAPI Plates and Body Armor	12,000
Organizational Level Maintenance	150,900
Intermediate Level Maintenance	15,800
Depot Level Maintenance	92,400
Reconstitution/Setting the Force; Supplies	171,000
Support (C4I, Logistics, Material) and Training	95,584
Increase in Composite Fuel Rate	22,000
Peacetime Training Offset	(20,400)
Services and Contracts	81,700
Sealift	7,000
Miscellaneous Transportation Costs	1,600
Total Operation and Maintenance, Marine Corps	982,464

[In thousands of dollars]

Account	Recommendation
Operation and Maintenance, Air Force:	
Personnel Support Costs	139,600
Operating Support/Flying Hours	2,371,000
Transportation	1,386,600
Fuel Rate Increase	809,900
Transportation Working Capital Fund Transfer	167,940
Contract Logistics Support/Depot Maintenance	628,800
Commercial Transportation	90,000
Classified and Other Support Costs	175,610
Total Operation and Maintenance, Air Force	5,769,450
Operation and Maintenance, Defense-Wide	
TJS -Combatant Commander Initiative Fund	25,000
TJS -Requirements Planning	-
Special Operations (SOCOM)	635,400
SOCOM - SOF Center in Jordan	-
AFIS - Stars and Stripes Distribution in Theater	6,600
DCAA - Contract Audit	5,600
DCMA - Contract Management	1,500
DODEA - Family Assistance Programs	92,000
DLSA - Legal Services	15,000
DSCA - Regional Centers	-
DSCA - Coalition Support	1,220,000
OSD Rewards Program	5,000
OSD Critical Infrastructure Protection	3,500
OSD Counter MANPADS	6,000
OSD Lift & Sustain	100,000
OSD - Network and Information Services (NII)	10,500
WHS- Iraq Project Contracting Office and OSD Pentagon Support	4,600
Other Programs	930,600
Total Operation and Maintenance, Defense-Wide	3,061,300

[In thousands of dollars]

Account	Recommendation
Operation and Maintenance, Army Reserve	
Alerted Unit Training	5,154
Second Destination Transportation	2,400
Repair/Replace information/logistics systems	600
Total Operation and Maintenance, Army Reserve	8,154
Operation and Maintenance, Navy Reserve	
Reserve Flying Hours	22,800
Increased fuel rates	49,000
Operation Vigilant Mariner	3,364
Total Operation and Maintenance, Navy Reserve	75,164
Operation and Maintenance, Marine Corps Reserve	
Initial Issue,Travel,Training and Supplies	20,820
Reconstitution	3,100
Increased fuel rates	1,000
Total Operation and Maintenance, Marine Corps Res.	24,920
Operation and Maintenance, Army National Guard	
Alerted Unit Training	8,800
Second Destination Transportation	12,600
Family Readiness Programs	10,000
ARNG Recruiting and Retention	157,379
Total Operation and Maintenance, Army National Gd.	188,779
Overseas Humanitarian, Disaster, and Civic Aid	10,000
Afghanistan Security Forces Fund	1,285,000
Iraq Security force Forces Fund	5,700,000
Total Operation and Maintenance	37,502,036

MOBILIZATION AND DEMOBILIZATION BASE SUPPORT OPERATIONS

Military installations experience an incremental workload due to an increased military population and an increased density of equipment as units are mobilized and prepared for deployment to theater. Installation costs include local transportation, lodging, dining facilities, utilities and other base installation support costs. Upon demobilization, units pass through a U.S. installation and these installations must cover similar incremental base operations support costs. The Committee recommends $152,000,000 in Operation and Maintenance, Army for incremental mobilization and demobilization base support operations costs.

MEDICAL SUPPORT FOR TACTICAL UNITS

The Committee recommends an increase of $150,000,000 in Operation and Maintenance, Army, to address medical requirements for those tactical units currently deployed to or returning from the Iraq or Afghanistan theaters. The Committee encourages the Department of the Army to focus these funds on the replenishment of medical supply and equipment needs within the combat theaters, to include bandages and other blood-clotting supplies that utilize advanced hemostatic, wound-dressing technologies, and on the provision of medical care for soldiers who have returned home in a medical holdover status.

TRANSPORTATION WORKING CAPITAL FUND TRANSFER TO OPERATION AND MAINTENANCE, AIR FORCE

Section 8123 of Public Law 108–287, the fiscal year 2005 Defense Appropriations Act, reduced funding in the Operation and Maintenance, Air Force account and directed that the same amount be transferred to Operation and Maintenance, Air Force from Transportation Working Capital Fund cash that was anticipated to accumulate in excess of requirements. Due to rate changes and changing business conditions, cash growth has been less than expected in the Transportation Working Capital Fund. To offset the shortfall in cash transferred from the Transportation Working Capital Fund, the Committee recommends an increase of $167,940,000 for Operation and Maintenance, Air Force.

OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID

The Committee recommends $10,000,000 for Overseas Humanitarian, Disaster and Civic Aid, the amount requested by the President, to restore funding for Combatant Commanders' humanitarian assistance programs in Iraq, Afghanistan, and other areas.

AFGHANISTAN SECURITY FORCES FUND

The Committee recommends $1,285,000,000 to accelerate efforts to provide assistance to Afghan Security Forces to be appropriated in the "Afghanistan Security Forces Fund." This fund shall be available to provide assistance to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding that will allow Afghanistan to increasingly assume responsibility for its security. The Committee directs that funds in the "Afghanistan Security Forces Fund" may not be transferred for

obligation unless the Secretary of Defense notifies the congressional defense committees in writing the details of transfers not fewer than five days prior to making transfers from the appropriation. The Secretary is also directed to submit a report no later than 30 days after the end of each fiscal quarter summarizing the details of the transfer of funds.

IRAQ SECURITY FORCES FUND

The Committee recommends $5,700,000,000 to accelerate efforts to provide assistance to Iraqi Security Forces to be appropriated in the "Iraq Security Forces Fund." This fund shall be available to provide assistance to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation and construction, and funding. The Committee directs that funds in the "Iraq Security Forces Fund" may not be transferred for obligation unless the Secretary of Defense notifies the congressional defense committees in writing the details of transfers not fewer than five days prior to making transfers from the appropriation. The Secretary is also directed to submit a report no later than 30 days after the end of each fiscal quarter summarizing the details of the transfer of funds. Additionally, the Committee has included language supporting the President's request for authority and funding to enhance existing training facilities in Jordan using funds provided within the "Iraq Security Forces Fund."

PROCUREMENT

The Committee recommends a total of $18,232,255,000 for various procurement appropriations. This recommendation provides for the replacement of equipment lost in operations; for equipment needed to maintain and improve the protection of deployed forces; and for equipment needed to outfit units that will support upcoming rotations. In several instances, described elsewhere in this report, the Committee's recommendation provides for accelerating the pace of acquisitions beyond that included in the Supplemental request. This acceleration will enable the services to better meet the needs described above as well as to address the stresses placed on equipment due to the severity of environmental conditions and the pace of operations. In some cases, the Committee recommends funding for programs not otherwise included in the Supplemental request to better meet these requirements.

The following table identifies changes made to the request and other funding provided. Within each appropriation, funding provided for procurement for items not specifically addressed in the tables, including equipment, ammunition or vehicles, is for the purposes stated in the February 2005, Department of Defense Fiscal Year 2005 Supplemental Request for Operation Iraqi Freedom (OIF), Operation Enduring Freedom (OEF), and Operation Unified Assistance.

[In thousands of dollars]

	Recommendation
Aircraft Procurement, Army	
UH-60 Blackhawk (MYP)	50,800
GUARDRAIL MODS (TIARA)	13,650
ARL MODS (TIARA)	36,000
Longbow	321,100
ASE Infrared CM	37,127
Total Aircraft Procurement, Army	458,677
Missile Procurement, Army	
Javelin (AAWS-M) System Summary	146,786
TOW 2 System Summary	52,000
Army Tactical Missile Systems (ATACMS) System Summary	91,000
ITAS/TOW MODS	50,750
Total Missile Procurement, Army	340,536
Procurement of Weapons and Tracked Combat Vehicles, Army	
Bradley Base Sustainment	1,254,764
Stryker	114,040
Carrier, Mod	209,332
FIST Vehicle (MOD)	147,140
BFVS Series (MOD)--Bradley Reactive Armor Tiles	59,700
System Enhancement Program: SEP M1A2	294,000
Abrams Mod Program--TIGER Powerpack Upgrade	90,000
Improved Recovery Vehicle	165,360
Modification of Weapons (Note: only for modifications and spare parts for M4 Carbine, Squad Automatic Weapon, Medium Machine Gun, and M16 Rifles)	68,000
Armor Machine Gun, 7.62MM M240 Series	59,358
Machine Gun, 5.56MM (SAW)	19,860
Grenade Launcher, Auto, 40MM, MK19-3	23,841
Mortar Systems	24,254
5.56 Carbine M4	55,380
Common Remotely Operated Weapons Station (CROWS)	11,300
Howitzer, Light, Towed, 105MM	58,157
All Other Procurement of Weapons and Tracked Combat Vehicles, Army	24,261
Total Procurement of Weapons and Tracked Combat Vehicles, Army	2,678,747

Procurement of Ammunition, Army

CTG, 5.56 MM, All Types	76,682
CTG, 7.62 MM, All Types	55,803
CTG, .50 CAL, All Types	52,515
CTG, 40 mm, All Types	84,841
60 mm Mortar, All Types	20,017
81 mm Mortar, All Types	55,402
CTG, Mortar, 120 MM, All Types	81,540
CTG, Tank, 120 mm Tactical, All Types	15,000
Rocket, Hydra 70, All Types	12,941
Provision of Industrial Facilities (Modernization of Radford Army Ammunition Plant and Lake City Army Ammunition Plant)	57,800
All Other Procurement of Ammunition, Army	20,259
Total Procurement of Ammunition, Army	532,800

Other Procurement, Army

Up-Armored HMMWV (M1114)	51,300
High Mobility Multi-Purpose Wheeled Vehicle (HMMWV)	455,027
Family of Medium Tactical Vehicles (FMTV)	735,432
Family of Heavy Tactical Vehicles	516,677
Armored Security Vehicle (ASV)	550,300
Mine Protection Vehicle Family	24,950
Heavy Expanded Mobile Tactical Truck Extended Service Program	90,270
HMMWV Recapitalization Program	122,594
Modification of In Service Equipment (Add-on Armor Kits; Gunner Protective Kit)	610,900
All Other Tactical and Support Vehicles	17,147
SHF TERM	27,000
NAVSTAR-GPS	27,800
Army Data Distribution System	29,130
SINCGARS Family	792,856
Bridge to Future Networks	432,300
Radio Improved HF Family	147,300
WW Technical Control Improvement Program	26,000
Information Systems	50,000
All Source Analysis System	27,385
Prophet	94,884
TUAV	172,700
CI Humint Info Management System	30,800
Items less than $5M (Trojan Spirit)	60,050
Warlock (Note: $10 million is available only for the Low Cost Jammer)	60,000
Night Vision Devices	131,629
Long Range Advance Scout Surveillance System	48,870
JLENS Family	74,100
Profiler	24,600
MOD-M-SVC-EQ (Firefinder Radars)	20,200

Force XXI Battle Command Brigade & Below (FBCB2)	146,100
Lightweight Laser Designator/Range Finder	31,000
Mortar Fire Control System	66,500
Tactical Operations Center	71,900
Battle Command Sustainment Support System	43,450
FAAD C2 (Note: $75 million of the amount provided is available only for the Counter Rocket Artillery and Mortar (CRAM) system for fielding to forward operating bases)	141,000
Knight Family	38,400
Other Communications and Electronic Equipment	71,022
Handheld Stand-off Mine Detection System (HSTAMIDS)	18,300
Distribution System Petroleum and Water	36,400
Water Purification System	50,205
Shop Equipment Contact Maintenance Truck	48,011
Generators and Associated Equipment	79,866
Calibration Sets	13,250
Integrated Family Of Test Equipment	8,210
Building, Pre-Fab, Relocatable	252,550
Classified Programs	52,100
All Other Support Equipment	14,440
Total Other Procurement, Army	6,634,905
(By transfer--Iraq Freedom Fund)	[85,000]

Aircraft Procurement, Navy

EA-6(B) Series Mods	11,000
AV-8(B) Series Mods	1,600
F/A-18 Series Mods	49,800
AH-1 Series Mods	1,800
H-53 Series Mods	40,500
SH-60 Series Mods	19,000
H-1 Series Mods	1,700
EP-3 Series Mods	13,000
P-3 Series Mods	8,400
C-130 Series Mods	12,400
All Other Items	41,095
Total, Aircraft Procurement, Navy	200,295

Weapons, Procurement, Navy

Hellfire Missile	43,000
Small Arms and Weapons	28,600
Total, Weapons Procurement, Navy	71,600

Procurement of Ammunition, Navy and Marine Corps	
Navy	
Air Expendable Countermeasures	11,000
Small Arms and Landing Party Ammunition	20,959
All Other Navy Ammunition	9,383
Marine Corps	
5.56mm Ammunition	6,626
7.62mm Ammunition	3,844
.50 Cal Ammunition	7,010
9mm Ammunition	185
All Other Marine Corps Ammunition	82,728
Total Procurement of Ammunition Navy and Marine Corps	141,735
Other Procurement, Navy	
Physical Security Equipment	26,140
All Other Items	52,232
Total, Other Procurement, Navy	78,372
Procurement, Marine Corps	
AAV7A1 Product Improvement Program (PIP)	43,486
Light Armored Vehicle (LAV) Product Improvement Program (PIP)	620,705
Unit Operations Center	120,903
Night Vision Equipment	705,500
Common Computer Resources	44,155
Radio System	342,371
Communication Switching & Control Systems	64,909
HMMWV (Note: of the amount recommended $5 million is available only for survivability upgrades)	236,781
Motor Transport Mods (Armor kits for MTVRs)	289,100
Medium Tactical Vehicle Replacement--MTVRs, combat losses	199,399
Logistics Vehicle System Replacement	111,139
Amphibious Raid Equipment	91,206
Family of EOD Equipment	107,672
Classified Program	1,800
Other Weapons & Combat Vehicles (various)	100,865
Guided Missiles and Equipment--TOW IIB and Javelin	76,340
Other Communications & Electronic Equipment	169,730
Other Support Vehicles	30,351
Engineering & Other Equipment	232,083
Total Procurement, Marine Corps	3,588,495

Aircraft Procurement, Air Force	
National Airborne Operations Center	8,441
Predator B Aircraft Initial Spares	5,000
Predator A Retrofit	2,000
OEF/OIF Predator B MTSB Initial Spares	3,000
All Other Items	260,800
Total, Aircraft Procurement, Air Force	279,241
Procurement of Ammunition, Air Force	
Demolition Munitions	2,898
All Other Items	4,100
Total, Procurement of Ammunition, Air Force	6,998
Other Procurement, Air Force	
STEEL EAGLE	14,000
Cargo Pallets and Nets	43,828
HQ USAFE VEDS	0
Distributed Common Ground System	0
Classified Programs	2,495,499
All Other Equipment	105,200
Total, Other Procurement, Air Force	2,658,527
Procurement, Defense-Wide	
Communications Equipment and Electronics	83,427
Small Arms and Weapons	119,600
All Other Procurement	443,300
Total, Procurement, Defense-Wide	646,327
Total, Procurement	**18,317,255**
(By transfer--Iraq Freedom Fund)	[85,000]

EQUIPMENT SHORTFALLS

The Committee recognizes that DoD has requirements to equip the ground forces of the Army and Marine Corps beyond the levels provided in the Supplemental request. For example, DoD faces urgent requirements in the areas of force protection, force restructuring and recapitalization (as described elsewhere in this report), as well as the replacement of combat losses. In addition, the Committee is aware that both the Army and the Marine Corps completed equipment stress studies late in 2004. One of the main conclusions of these studies is that much of the equipment supporting Operation Iraqi Freedom and Operation Enduring Freedom is rapidly aging beyond the point of being economically repairable and will have to be replaced. Accordingly, the Committee has provided $2,298,890,000 above the budget request to meet emergent needs stemming from this equipment shortfall. The Committee recommendation provides funding both for programs not otherwise included in the Supplemental request, and to accelerate programs for which funding has been requested. The table below outlines funding increases necessary to meet urgent requirements as described above. Total program funding for each item listed below is described elsewhere in this report.

[In thousands of dollars]

Program	*Recommended Increase*
Missile Procurement, Army:	
ITAS/TOW Mods	$46,500
Procurement of Weapons and Tracked Combat Vehicles, Army:	
Bradley Reactive Armor Tiles	26,000
Stryker	69,540
Abrams Modification program (TIGER engine upgrade)	90,000
Small Arms Modifications	68,000
Procurement of Ammunition, Army:	
Ammunition Industrial Base	57,800
Other Procurement, Army:	
Up-Armored HMMWVs (M1114)	51,300
Other HMMWVs (M1151)	134,200
FMTV	401,000
FHTV	207,100
Add-On Armor Kits	48,000
SINCGARS Family	55,500
Improved HF Radios (including PRC–150 and PRC–148)	28,000
Jammers (Warlock)	60,000
Night Vision Devices	94,000
Force XXI Battle Command Brigade and Below (FBCB2)	146,100
Handheld Stand-off Mine Detection System (HSTAMIDS)	18,300
CRAM	75,000
Army Total	1,676,000
Procurement of Ammunition, Navy and Marine Corps:	
Small Arms Ammunition	8,100
Procurement, Marine Corps:	
Light Armored Vehicle (LAV)	277,500
Night Vision Equipment	183,850
Radio Systems (including EPLRS, PRC–117 and HF Communications Vehicle)	103,100
HMMWVs (Including $5,000,000 for survivability upgrades)	50,000
Marine Corps Total	622,550
Grand Total	2,298,890

STRYKER

The Committee recommends a total of $114,040,000, an increase of $69,540,000 above the supplemental request for additional Strykers. The Committee notes that Stryker has played an important role and achieved considerable success in support of Operation Iraqi Freedom. While the supplemental request replaces some combat losses, the Committee recognizes that additional vehicles above those included in the request are necessary to replace all known combat losses. Accordingly, additional funding is provided to make 19 Strykers available to replace combat losses above those identified in the supplemental request.

SMALL ARMS PROGRAMS

The Committee recommends a total of $68,000,000 for modifications and spare parts for small arms. Overall, the DoD supplemental request for Army and Marine Corps small arms totals nearly $264,000,000. This amount includes both procurement of weapons as well as modifications and spare parts. The Committee notes that this is a critical operational and force protection issue for U.S. personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom. The Committee is also aware that DoD has found it necessary to reprogram significant amounts in fiscal year 2005 to meet its requirements. Despite reprogramming funds, and requesting additional funds in the Supplemental, the Committee is concerned that DoD has not fully funded its requirements. Accordingly, the Committee has provided additional funding to accelerate small arms modifications and spare parts acquisition. Of the additional amount provided, the Committee recommends that the Army allocate $52,000,000 for modifications and spares for the M4 Carbine, $4,000,000 for the Squad Automatic Weapon, $8,500,000 for Medium Machine Guns and $3,500,000 for the M16 rifle.

AMMUNITION INDUSTRIAL BASE

The Committee recommends a total of $57,800,000 for programs related to the ammunition industrial base. In the fiscal year 2005 Department of Defense Appropriations Act (Public Law 108–287) the Congress provided additional funding to begin improving ammunition production capability necessary to meet the demands of supporting the Global War on Terrorism (GWOT). These improvements are urgently required to meet both operational ammunition demands as well as the need to rebuild DoD war reserves. The Committee notes that DoD must increase small arms ammunition production from the current capacity of 1.2 billion rounds per year up to 1.5 billion rounds to meet these needs. Accordingly, the Committee has provided funding above the supplemental request to continue these efforts. Of the funds made available, the Committee directs that $17,800,000 be made available to continue improvements in small arms ammunition production at the Lake City Army Ammunition Plant, and that $40,000,000 be made available to the Radford Army Ammunition Plant to continue improvements in acid and nitrocellulose production.

TRUCKS

The Committee recommends $735,432,000 for the Family of Medium Tactical Vehicles (FMTV), an increase of $401,000,000 above the supplemental request, and $516,677,000 for the Family of Heavy Tactical Vehicles, an increase of $207,100,000 above the budget request. The Committee believes that DoD must accelerate the production of trucks within these programs to address requirements associated with recapitalization and modularity. Also, as noted elsewhere in this report, the stress on equipment supporting the GWOT averages 5 times greater than for peacetime operations. As a result much of the equipment now supporting GWOT operations is aging beyond the point of economical repair and will have to be replaced. In addition to accelerated production, the Committee is also aware of the need to provide for more effective means of installing communications and electronic equipment such as radios in all types of tactical wheeled vehicles including HMMWVs, FMTVs and FHTVs. Accordingly, the Committee recommends that $30,000,000 of the increase provided for each of these programs be made available for the purpose of installing brackets, wiring harnesses, electrical connections, and other equipment necessary to enable quick installation and release of radios and other electronic equipment. The Committee also recommends that funds from the increase provided for truck programs be used to install oil management systems in vehicles being used in Operation Iraqi Freedom to minimize the deterioration of vehicle lubricants in desert environments.

ADD-ON ARMOR KITS

The Committee recommends a total of $610,900,000 for add-on armor kits, an increase of $48,000,000 above the budget request. The Committee understands that the budget request does not fully fund add-on armor kits required for HMMWVs, medium and heavy trucks, tankers and ambulances. The Committee notes that over the past two years DoD has spent in excess of $4 billion to provide armor protection for all types of tactical wheeled vehicles. Further, the Committee is aware that DoD is approaching its objective of providing armor protection for all vehicles operating outside of unprotected areas. The Committee recommends the increase in funding in order to more quickly reach this objective. In addition, in order to support operational units as they adapt to changing insurgency tactics, the Committee directs that $10,000,000 of the funding provided for add-on armor shall be used to provide raw armor plate, supporting hardware, and cutting equipment as required, to combat and combat service support units operating in Iraq and Afghanistan."

NIGHT VISION EQUIPMENT

The Committee recommends a total of $837,129,000 for Army and Marine Corps Night Vision Equipment, an increase of $277,850,000 above the supplemental request. Of this amount, the Committee recommends $131,629,000 in Other Procurement, Army, an increase of $94,000,000, and $705,500,000 for Procurement, Marine Corps, an increase of $183,850,000. The Committee is aware that both the Army and Marine Corps require additional night vi-

sion equipment to make this capability more widely available to soldiers and Marines, and that additional equipment is required to equip units now preparing for rotations to support Operation Iraqi Freedom and Operation Enduring Freedom. Accordingly, the Committee has provided additional funding to accelerate the acquisition of this equipment. The Committee recommends that additional funding for Night Vision Equipment be allocated for the purchase of night vision goggles, thermal weapon sights, aiming lights, laser designators, sniper night sights, and related equipment.

ELECTRONIC JAMMERS (WARLOCK)

The Committee recommends $60,000,000 for electronic jammers including Warlock systems. Of this amount, the Committee recommends that $10,000,000 be available to rapidly field the Low Cost Jammer. The supplemental request does not provide funding for this program. The Committee notes that the Army has deployed about 25 percent of the electronic jammers required to provide force protection against improvised explosive devices in theater. While additional funding is currently available within the Department of Defense to improve availability of this equipment, the Committee is nevertheless concerned that this funding falls short of requirements. The Committee firmly believes that DoD must aggressively pursue the fielding of current generation jammers in addition to continuing work on next-generation equipment to afford the greatest possible degree of protection for U.S. personnel.

COUNTER ROCKET, ARTILLERY, AND MORTAR (CRAM)

In the Committee's view, the Department of Defense must take more aggressive measures to provide for early detection and warning in the case of insurgent attacks on forward operating bases supporting operations in Iraq. In order to provide better capabilities in this regard, the Committee recommends an increase of $75,000,000 above the supplemental request to provide for improved sensors and warning devices at forward operating bases, and also to provide an initial logistics and maintenance capability to support these systems. In addition, the Committee also encourages the Army to continue its efforts to integrate a weapons platform into the CRAM system.

LIGHT ARMORED VEHICLE (LAV)

The Committee recommends $620,705,000 for the Marine Corps's Light Armored Vehicle, an increase of $277,500,000 above the Supplemental request. This amount provides $173,500,000 for acceleration of the LAV Product Improvement Program (PIP). Within the increased PIP funding, the Committee recommendation includes $15,700,000 to provide for an emergent requirement to install automatic fire suppression equipment in LAVs supporting GWOT operations. In addition, the Committee recommendation includes $104,000,000 to provide 48 additional LAVs to meet requirements associated with the Marine Corps's Force Structure Review.

F/A–18(D) LITENING POD

The Committee has provided $40,000,000 for Aircraft Procurement, Navy for additional LITENING pods for F/A–18(D) aircraft.

According to the Navy, these systems have shown significant value in ongoing OIF and OEF operations.

INFRARED COUNTERMEASURES

The Committee has provided $183,600,000 for installation of infrared countermeasures against shoulder launched missiles on C–17, C–130 and C–40 aircraft in theater.

C–130J MULTI-YEAR PROCUREMENT

In recent testimony before the Committee, the Secretary of Defense indicated that a proposal to terminate the current C–130J Joint Service Multiyear Procurement contract for the Air Force and Marine Corps is being reexamined as part of the ongoing Mobility Capability Study (MCS). The Committee believes this is a prudent action, and encourages the Department to resolve this matter as soon as possible so that any decision to transmit a budget amendment to the congressional defense committees may be given due consideration as part of the FY 2006 authorization and appropriations process.

PROCUREMENT, DEFENSE-WIDE

The Committee has provided $477,302,000 in Procurement Defense-Wide for equipment required for operations by Special Operations forces, an increase of $55,000,000 above the budget request.

COMMUNICATIONS EQUIPMENT AND ELECTRONICS

The Committee recommends $83,427,000 for Communications and Electronic Equipment for the Special Operations Command, an increase of $39,500,000 above the budget request. The Committee is aware that three of the programs included in the budget request to enhance Special Operations Force communications capabilities require additional funding to meet the needs of deploying forces. Accordingly, the Committee recommends a total of $25,875,000 for the procurement of Multi-Band, Inter/Intra Team radios, $16,500,000 for SOF Deployable Node-Medium satellite terminals, and $25,000,000 for Multi-Band/Multi Mission radios.

SMALL ARMS AND WEAPONS

The Committee recommends $119,600,000 for Small Arms and Weapons for the Special Operations Command, an increase of $15,500,000 above the budget request. The Committee is aware of shortfalls in protective combat gear, low signature fire control devices, and aerial surveillance systems. Accordingly, the Committee recommends a total of $13,500,000 for SOF Personal Equipment and Advanced Requirements protective combat uniforms, $7,000,000 for Improved Night/Day Observation/Fire Control Devices, and $5,000,000 for Silver Fox Unmanned Aerial Vehicles.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The Committee recommends a total of $508,321,000 for various research, development, test and evaluation appropriations. The following table identifies changes made to the request and other funding provided. Within each appropriation, funding provided for

items not specifically addressed in the tables is for the purposes stated in the February 2005, Department of Defense Fiscal Year 2005 Supplemental Request for Operation Iraqi Freedom (OIF), Operation Enduring Freedom (OEF), and Operation Unified Assistance. The Committee is aware of the need for additional force protection applied research associated with the development of thin film batteries for military weapons power systems, and encourages the Navy to review the requirements for such research as it executes funding provided in this Act.

[In thousands of dollars]

	Recommendation
Research, Development, Test and Evaluation, Army	
Combating Terrorism, Technology Development for IED Detection Sensors and REF	$ 17,170
Maneuver Control System	3,000
Force XXI Battle Command Brigade and Below	200
Classified Program	4,800
Total Research, Development, Test and Evaluation, Army	25,170
Research, Development, Test and Evaluation, Navy	
Classified Programs	160,660
Other Items	41,391
Total Research, Development, Test and Evaluation, Navy	202,051
Research, Development, Test and Evaluation, Air Force	
Global Hawk Upgrades	38,700
Classified Programs	79,700
Other Items	3,100
Total Research, Development, Test and Evaluation, Air Force	121,500
Research, Development, Test and Evaluation, Defense-Wide	
Quick Reaction Special Projects	13,100
Classified Programs	146,500
Total, Research, Development, Test and Evaluation, Defense-Wide	159,600
Total, Research, Development, Test and Evaluation	**508,321**

QUADRENNIAL DEFENSE REVIEW

The Committee notes that the Quadrennial Defense Review will include an assessment of joint air dominance and believes an assessment of joint air to ground capability should also be included. Accordingly, the Committee directs that the Department include in the Quadrennial Defense Review an assessment of joint air to ground capability, the integrated joint capabilities that contribute to it, and the appropriate contributions by all types of strategic and tactical aircraft, bombers, missiles, and unmanned vehicles to joint air to ground capability in future warfare.

DEFENSE WORKING CAPITAL FUNDS

The Committee recommends $1,411,300,000 for the Defense Working Capital Funds. These funds are necessary to cover unforeseen fuel price increases, fuel delivery costs associated with a new mission for the Defense Logistics Agency previously performed by the Army, and an urgent requirement for the Navy Working Capital Fund. The amounts provided are to be allocated as follows:

[In thousands of dollars]

	Recommendation
Defense Logistics Agency (DLA) Fuel Costs	$742,300
Military Sealift Command Fuel Costs	67,000
DLA Fuel Delivery Costs	402,000
Navy Working Capital Fund	200,000

NAVY WORKING CAPITAL FUND

The supplemental request included $200,000,000 in Operation and Maintenance, Navy that was intended to be collected from working capital fund customers, via a surcharge, in order to restore Navy Working Capital Fund cash that was transferred from the fund in order to meet urgent fiscal year 2004 requirements. The Committee understands that the Navy has implemented advance billing in its working capital fund in order to restore the minimum level of operating cash. The Committee recommends that rather than implementing a surcharge, the requested funds be appropriated directly to the Navy Working Capital Fund, in order to more quickly address the cash balance problem, and to mitigate the need for advance billing.

NATIONAL DEFENSE SEALIFT FUND

The Committee recommends $32,400,000 for the National Defense Sealift Fund. These funds are needed to address increased maintenance and repair of Ready Reserve Force ships, Roll-On Roll-Off ships, and Fast Sealift Ships used extensively in OIF operations, as well as increased fuel price costs.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The Committee recommends $257,000,000 for Drug Interdiction and Counter-Drug Activities for the Department of Defense, the amount requested by the President to fund training, equipment, intelligence, infrastructure, and information operations related to the campaign against narcotics trafficking and narcotics-related terrorist activities in Afghanistan. The Committee expects the Depart-

ment to fully restore funding to the National Guard State Plan projects that was used to initiate these activities.

OFFICE OF THE INSPECTOR GENERAL

The Committee recommends an appropriation of $148,000, for operation and maintenance for the Office of the Inspector General, the amount requested by the Administration. The funds are to be used to fund premium pay, travel, and per diem costs for the Inspector General's criminal investigative personnel involved in efforts directly supporting the War on terror in Iraq and Afghanistan.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The Committee recommendation includes $250,300,000 for the Intelligence Community Management Account, including $181,000,000 to remain available until September 30, 2006. Within this amount is funding for construction of a facility to house the new Office of the Director of National Intelligence. Further descriptions regarding activities funded under this account are included in the classified annex accompanying this bill.

GENERAL PROVISIONS—THIS CHAPTER

Title I of the Committee bill contains 16 general provisions. A description of the recommended general provisions follows.

Section 1101 provides for transfer between appropriations of up to $2,000,000,000 of funds in chapter 1 of title I, and provides that transfer authority in this section is in addition to any other transfer authority available to the Department of Defense, and is subject to the same terms and conditions as provided in section 8005 of the Department of Defense Appropriations Act, 2005.

Section 1102 amends section 8005 of the Department of Defense Appropriations Act, 2005, to increase transfer authority up to $5,500,000,000.

Section 1103 provides that funds in the Defense Cooperation Account may be transferred to other defense accounts.

Section 1104 provides that funds made available in "Drug Interdiction and Counter-Drug Activities, Defense" be available until December 31, 2005 for assistance to the counter-narcotics forces of Afghanistan and Pakistan.

Section 1105 provides the Department of Defense with $8,000,000 in additional authority for extraordinary and emergency expenses in order to support emergent requirements associated with the ongoing war on terrorism.

Section 1106 provides that working capital funds of the Department of Defense may increase the limitation on advance billing up to $1,500,000,000.

Section 1107 amends the National Defense Authorization Act for Fiscal Year 2005 to amend the amount of funds provided for the Commander's Emergency Response Program (CERP).

Section 1108 provides an increase of $25,000,000 pursuant to section 8090(b) in Public Law 108–287.

Section 1109 waives, for calendar year 2005 only, the annual limitation on total compensation for civilian employees while in the

U.S. Central Command's area of responsibility in support of military operations.

Section 1110 provides the Director of National Intelligence (DNI) with language requested with respect to filling the additional positions authorized for the Office of the DNI.

Section 1111 extends the authority contained in the 2003 National Defense Authorization Act through December 31, 2005, to support coalition liaison officers.

Section 1112 provides authority to increase the maximum amount of the reserve affiliation bonus.

Section 1113 amends title 38 to increase the Servicemembers Group Life Insurance maximum from $250,000 to $400,000; requires spousal concurrence if the member declines life insurance, elects to be insured at less the maximum, or designates any other person as beneficiary; and amends title 10 to permanently change the military death gratuity from $12,000 to $100,000.

Section 1114 provides death gratuity increases retroactive to October 7, 2001 provided that the military death gratuity payment results from a death incurred in Operation Iraqi Freedom or Operation Enduring Freedom and the Servicemembers Group Life Insurance death gratuity payment results from a death incurred in the performance of duty.

Section 1115 deems funds appropriated or made available by transfer in this chapter for intelligence activities to be authorized by Congress.

Section 1116 prohibits the initiation of new start programs without prior congressional approval.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY QUALITY OF LIFE

The Committee recommends a total of $3,108,156,000 for Military Quality of Life, which is $74,794,000 below the Administration's request. Included in this amount is $1,324,206,000 for military construction, $1,542,100,000 for basic allowance for housing, $66,300,000 for facilities sustainment, restoration and modernization, and $175,550,000 for the Defense Health Program.

Overseas Construction Contingent Upon Submission of Master Plans.—The conference report accompanying the Military Construction Appropriation Act, 2004 directed the Secretary of Defense to submit comprehensive master plans for overseas military infrastructure with the fiscal year 2006 budget submission. The Committee has not received these plans. The Committee believes that it is vital to understand how the construction projects requested in the supplemental are integrated with the Department's long-term strategy for the basing of U.S. forces in the Central Command Area of Responsibility. These plans are an essential part of this evaluation. The Committee regrets that these plans were not provided in a timely fashion that would have allowed for a more thorough consideration of the request. The Committee has therefore included a proviso under each of the Military Construction accounts that prohibits the obligation of funds provided in those accounts for over-

seas military construction projects until the overseas basing master plans have been submitted to the Committee.

Military Construction in Kuwait.—The Army request includes $36,000,000 to construct a sixty-mile road (Main Supply Route Aspen) in Iraq that will connect at the Iraq-Kuwait border to a road constructed by the Government of Kuwait. The Kuwaiti road was constructed as a direct consequence of Kuwait's request that Coalition forces stop using the commercial highway. It is the Committee's understanding that the Department of Defense was aware of the need for this project three years ago, yet no advance information about this requirement was provided to the Committee. The Committee is also concerned that although this road is used by Coalition Forces, there is no Coalition support for the project. The Committee directs that the Secretary of Defense provide a report to the Committee regarding the status of Coalition support for this project no later than April 8, 2005.

In addition, the Air Force request includes $75,500,000 to construct the first phase of an aerial port of debarkation at Ali Al Salem Air Base in Kuwait. Similar to the Army request for MSR Aspen, this project is a consequence of the Government of Kuwait's request that Coalition forces vacate Kuwait City International Airport. The Committee is concerned that the Department is committing the United States to substantial military construction projects in Kuwait without informing the Committee. The Committee is also concerned by the apparent lack of any formal host nation agreement with Kuwait concerning these projects. The Committee is led to believe that these questions could be answered with submission of the overseas master plans. The Committee directs the Secretary to report to the Committee no later than April 8, 2005 regarding host nation support for this project.

MILITARY CONSTRUCTION, ARMY

The Committee recommends $930,100,000 for Military Construction, Army, which represents a $60,000,000 decrease from the request. The funds are provided as follows:

Location	Project description	Request	House Recommendation
Alaska: Fort Wainwright	Aircraft Maintenance Hangar	31,000,000	31,000,000
Alaska: Fort Wainwright	Site Preparation and Utility Work	11,000,000	11,000,000
Colorado: Fort Carson	Barracks - Mobilization and Training	26,000,000	26,000,000
Georgia: Fort Benning	Site Preparation and Utility Work	10,000,000	10,000,000
Kansas: Fort Riley	Barracks - Mobilization and Training	22,000,000	22,000,000
Kansas: Fort Riley	Site Preparation and Utility Work	25,000,000	25,000,000
New York: Fort Drum	Aircraft Hangar and Site Preparation	37,000,000	37,000,000
North Carolina: Fort Bragg	Site Preparation and Utility Work	19,000,000	19,000,000
Texas: Fort Bliss	Barracks - Mobilization and Training	22,000,000	22,000,000
Texas: Fort Bliss	Site Preparation and Utility Work	47,000,000	47,000,000
Afghanistan: Bagram	CMU Barracks	16,100,000	16,100,000
Afghanistan: Bagram	Fuel Tank Farm	57,000,000	-
Afghanistan: Bagram	JSOTF-A Joint Operations Center	6,400,000	6,400,000
Afghanistan: Bagram	Prime Power Generator	31,600,000	31,600,000
Afghanistan: Kandahar	Ammunition Supply Point	16,000,000	16,000,000
Cuba: Guantanamo Bay	Camp 6 Detention Facility	36,000,000	36,000,000
Cuba: Guantanamo Bay	Radio Range Security Fence	4,400,000	4,400,000
Iraq: Camp Hope	CMU Barracks	2,500,000	2,500,000
Iraq: Camp Taji	CMU Barracks	24,600,000	24,600,000
Iraq: Camp Warrior	Medical Facility	7,500,000	7,500,000
Iraq: Camp Warrior	Tactical Ops Building	6,100,000	6,100,000
Iraq: LSA Anaconda	Battalion and Company HQ	7,800,000	7,800,000
Iraq: LSA Anaconda	Equipment Support Activity	17,100,000	17,100,000
Iraq: LSA Anaconda	Hospital Facility	39,000,000	39,000,000
Iraq: Marez	CMU Barracks	9,300,000	9,300,000
Iraq: Marez	Combat Support Hospital	9,900,000	9,900,000
Iraq: Marez	Troop Medical Clinic	2,900,000	2,900,000
Iraq: Muthanna	Harden Ammunition Bunkers	11,300,000	11,300,000
Iraq: Various Locations	CMU Barracks	55,200,000	55,200,000
Iraq: Various Locations	Main Supply Route Aspen	36,000,000	36,000,000
Iraq: Various Locations	Overhead Cover System	300,000,000	300,000,000
Worldwide Unspecified	Planning and Design	43,400,000	40,400,000
	Total	990,100,000	930,100,000

Overhead Cover System and CMU Barracks.—The request includes several construction projects in Iraq for hardening facilities and protecting troops against indirect fire attacks. This includes $300,000,000 to install overhead cover systems at various locations and $55,200,000 to construct concrete masonry unit (CMU) barracks at unspecified locations. The Committee believes that this force protection vulnerability could have been redressed through the use of authority to carry out military construction projects with operation and maintenance funds. The Committee is disturbed by the fact that the Department of Defense instead chose to wait for this supplemental request to correct the problem. Despite having forestalled this initiative, the Department has provided no details to the Committee on the extent of the vulnerability or the locations in Iraq where the overhead cover systems and barracks are to be provided. The Committee can therefore not be certain whether the request is sufficient to protect troops in Iraq. The Committee directs the Secretary of Defense to submit a detailed breakout of these two requests by location no later than April 8, 2005.

Fuel Tank Farm at Bagram, Afghanistan.—The Army requested $57,000,000 for the construction of a fuel storage tank farm and distribution system at Bagram, Afghanistan. The existing fuel farm is stored in fuel bladders. These bladders need to be replaced about once a year at a cost of $1,500,000 per bladder, which means that the cost of this project is not recovered until 2012. Given the uncertainty regarding the stationing requirements of U.S. forces in Afghanistan, the Committee believes this project is not justified and provides no funds for this request.

Open Bay Mobilization Barracks.—The Army request includes $70,000,000 to construct open bay barracks at Fort Bliss, Fort Riley, and Fort Carson for mobilization and training, primarily for Reserve component personnel. The Committee understands that this request is due to the current surge conditions and that under surge conditions 72 square feet is adequate personnel space vice the standard of 90 square feet in a non-surge environment. The Committee also understands that construction of these types of barracks is only a requirement during higher-than usual operations. The justification accompanying this request does not address the long-term plan for these facilities after surge conditions subside.

The Committee is concerned that these facilities are not being built to a 1 + 1 standard even though they are permanent facilities, and standard barracks would give the Army more flexibility to use these facilities for unaccompanied housing should facility requirements change. The Committee is also concerned with the medical conditions that can arise when housing soldiers in smaller than adequate space. As such, the Committee directs the Secretary of Defense to report back to the Committee no later than April 8, 2005 on the planned long-term use of these barracks, what effects these types of barracks have on a soldier's health, what precautions are being taken to prevent any health-related illnesses, and why a more standard type of barrack wasn't chosen for construction.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The Committee recommends $92,720,000 for Military Construction, Navy and Marine Corps, which represents a $14,660,000 decrease to the request. The funds are provided as follows:

Location	Project description	Request	House Recommendation
California: Camp Pendleton	Force Intel Operations Center	8,700,000	-
California: Camp Pendleton	Force Recon PLT Facility	4,980,000	-
California: Twentynine Palms	LAR Company BEQ	11,900,000	11,900,000
North Carolina: Camp Lejeune	Mod 2D LAR Operations Complex	3,840,000	3,840,000
North Carolina: Camp Lejeune	Maintenance Complex, 1/9	5,880,000	5,880,000
North Carolina: Camp Lejeune	BEQ 1/9	30,480,000	30,480,000
North Carolina: Camp Lejeune	Mod Force Recon Operations Complex	3,240,000	3,240,000
Djibouti: Camp Lemonier	Personnel Billeting	27,710,000	27,710,000
Djibouti: Camp Lemonier	Security Fence	2,760,000	2,760,000
Worldwide Unspecified	Planning and Design	7,890,000	6,910,000
	Total	107,380,000	92,720,000

Marine Corps Restructuring.—The Marine Corps request includes $75,000,000 to carry out construction and the associated planning and design related to the Force Structure Review Group (FSRG) initiative, which will provide additional combat forces within the current end-strength of 175,000. While the Committee recognizes that the FSRG was prompted by the demands of the Global War on Terrorism, the Committee is dismayed that the military construction requirements of FSRG were not brought to its attention until the supplemental request was submitted, even though the FSRG was established in April 2004. The Committee is also dismayed that the request does not fully fund the requirement, that important basing decisions have yet to be made, and that none of the projects requested will begin construction in fiscal year 2005. The Committee notes that this request could have been made through the fiscal year 2006 budget request, or through a budget amendment, but the Marine Corps chose to request it through the supplemental instead. Due to the uncertainty regarding the final basing decision for the second of two infantry battalions to be created under the FSRG, the Committee recommends a decrease of $14,660,000 from the request.

The Committee is additionally concerned that the Marine Corps request does not address the family housing needs that may arise because of troop relocations resulting from FSRG. While the Committee is sympathetic to the reason FSRG was undertaken, more information is required to allow for a fuller consideration of the merits of the initiative. The Committee therefore directs the Marine Corps to report to the Committee on family housing requirements that will result from FSRG as well as a detailed plan on how the Corps will fund the full cost of the FSRG. This report is due no later than April 8, 2005.

MILITARY CONSTRUCTION, AIR FORCE

The Committee recommends $301,386,000 for Military Construction, Air Force, which represents a $134,000 decrease to the request. The funds are provided as follows:

Location	Project description	Request	House Recommendation
Afghanistan: Bagram	East Side Ramp /Support Facilities/Infra	17,600,000	17,600,000
Afghanistan: Bagram	Control Tower	10,200,000	10,200,000
Afghanistan: Bagram	Cargo Handling Area	1,800,000	1,800,000
Afghanistan: Bagram	Coalition Forces Ramp	1,400,000	1,400,000
Iraq: Balad	CSAR/JSOAD/Medevac Alert	8,000,000	8,000,000
Iraq: Balad	Construct and Repair Munitions Roads	2,700,000	2,700,000
Iraq: Balad	Repair/Install Airfield Lighting	25,000,000	25,000,000
Iraq: Balad	Hot Cargo Pad	3,500,000	3,500,000
Iraq: Balad	Cargo/Marshalling Area	15,000,000	15,000,000
Iraq: Balad	Special Operations Compound	2,850,000	2,850,000
Iraq: Tallil	Temporary Cantonment Area	10,800,000	10,800,000
Kuwait: Ali Al Salem	Aerial Port	75,500,000	75,500,000
UAE: Al Dhafra	ISR Launch, Recovery and Maint Complex	66,000,000	66,000,000
UAE: Al Dhafra	Aircraft Engine Run-up Pad	1,400,000	1,400,000
Uzbekistan: Karshi-Khanabad	Replace/Extend Runway and Taxiways	42,500,000	42,500,000
Worldwide Unspecified	Planning and Design	17,270,000	17,136,000
	Total	301,520,000	301,386,000

NATO Funding in Afghanistan.—The Committee notes that the Air Force requested $1,400,000 to build a coalition forces ramp at Bagram Air Base, Afghanistan. The Committee believes that construction benefiting the mission of the International Security Assistance Force (ISAF) in Afghanistan should be eligible for NATO Security Improvement Program funding. The Committee directs the Secretary of Defense to report to the Committee on NATO funding for military construction in Afghanistan, including efforts to secure such funding. This report shall be submitted no later than April 8, 2005.

MILITARY PERSONNEL, ARMY

The Committee recommends $1,542,100,000 for Military Personnel, Army, which is the same as the budget request. These funds are for basic allowance for housing for Army personnel and activated National Guard and Reserve personnel.

OPERATION AND MAINTENANCE, ARMY

The Committee recommends $66,300,000 for Operation and Maintenance, Army, which is the same as the budget request. These funds are for costs associated with facilities sustainment, restoration and modernization.

DEFENSE HEALTH PROGRAM

The Committee recommends $175,550,000 for the Defense Health Program, which is the same as the budget request.

National Capitol Region Medical Facilities.—The Committee appreciates the work by the Walter Reed Army Medical Center to provide care to our injured men and women in uniform. Unfortunately, the challenge to care for our troops, in some cases, is made more difficult by outdated and worn facilities at in the national capitol region. As such, the Committee directs the Secretary of the Defense to prepare a study on the entire national capitol region that includes options for both revamping facilities at Walter Reed and constructing a new hospital facility within the national capitol region. This study should include detailed plans for the options presented, the costs associated with these plans, and a timetable for implementation. The Secretary shall submit this study to the Committees on Appropriations and Committees on Armed Services of the House of Representatives and Senate no later than September 15, 2005.

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

Within the accounts included in chapter 1, the Administration requested $3.231 billion in emergency supplemental funding. The Committee has provided a total of $2.090 billion of which $1.095 billion is for emergency supplemental funding and $995.3 million is not designated as an emergency and is offset by means of a rescission to previously appropriated funding.

The $2.090 billion provided in chapter 1 as well as the $656 million provided in title IV of this bill (Tsunami Recovery and Recon-

struction Fund), a total of $2.746 billion, represents funding for crucial requirements of approximately $1.751 billion needed urgently for emergencies or replenishment of funds expended for emergencies, troop protection, and the war on terrorism and $995 million for programs and projects that enhance United States foreign policy. The $995 million provided for programs and projects that enhance United States foreign policy is offset with a rescission of $995 million in funds provided in fiscal year 2003 (Public Law 108–11) for assistance for Turkey. The Committee recognizes that the funds for Turkey have been obligated to hedge against expiration of availability, however, to date no significant funds have been expended and it does not appear that the Treasury Department and the Turkish government have an agreement on the expenditure of these funds. Therefore, the Committee directs that these funds be de-obligated and used instead to meet current foreign policy requirements in support of democracy and the global war on terrorism.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

The Committee includes $44,000,000 for the Darfur region of Sudan under "International Disaster and Famine Assistance", the same as the President's request. The Committee has not included language requested by the President that would allow funds made available under this heading to reimburse accounts previously expended for assistance to Darfur. The Committee expects this funding to be in addition to the $148,000,000 specifically appropriated for Darfur for fiscal years 2004 and 2005 under this heading in prior Acts.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The Committee recommends $24,400,000 for USAID operating expenses to cover the extraordinary costs of administering an assistance program in Iraq.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The Committee recommends $2,500,000 for operating expenses of the USAID Inspector General to audit the expenditures of funds used for relief and reconstruction in Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The Committee appropriates $1,061,200,000 for the Economic Support Fund and allocates the following amounts for each coun-

try: $739,200,000 for Afghanistan, $100,000,000 for Jordan, $200,000,000 for Gaza/West Bank, and $22,000,000 for Sudan.

Funds in this account for assistance for Afghanistan include $138,500,000 for replenishment of fiscal years 2004 and 2005 Development Assistance, Economic Support Fund, and Afghanistan Freedom Support Act funds that were to be reprogrammed according to the terms of the January 27, 2005 congressional notification from the Department of State. If the reprogramming is not executed prior to the enactment of this Act, the Committee expects the Department of State to use these funds for the same purposes outlined in the January 27, 2005 congressional notification unless otherwise consulted and notified.

The Committee does not recommend funding for a number of programs that cannot be justified for emergency supplemental funding or offset with prior year's funding. The President's request for these programs under this heading in the supplemental request totals $570,100,000. Funding is not included for fiscal year 2006 operating costs for new and ongoing programs as well as large new construction projects or less urgent needs in the President's request. These programs include the refurbishment of the Kabul Airport, venture capital funding, industrial park funding, higher education including costs of a new law school in Kabul, and various long term construction projects including a hydropower and a gas-fired power plant, industrial parks, courthouses, and an IDP community housing project. The Committee expects to consider funding for some of these programs during the regular fiscal year 2006 appropriations process, or the Committee expects other countries and the Asian Development Bank and the World Bank to be appropriate donors.

Funds in this account for assistance to the West Bank and Gaza territories are bound by existing laws and authorities and shall not be used as direct, cash, assistance to the Palestinian Authority. The $200,000,000 provided in this account, shall only be allocated as requested and detailed in the following table:

	Committee Recommendation
Economic Revitalization:	
Palestinian agriculture and agribusiness production and marketing	$15,000,000
Trade promotion and capacity building	24,000,000
Home construction financing	1,000,000
Job creation, with an emphasis on construction of schools and community centers	20,000,000
Improved flow of people and goods into Israel	50,000,000
Subtotal, Economic Revitalization	110,000,000
Infrastructure Development:	
Roads and water	50,000,000
Democratic reform and the rule of law	16,000,000
Community Policing	3,000,000
Education, including vocational training	8,000,000
Health care and food assistance	13,000,000
Subtotal, Infrastructure Development	90,000,000
Total	200,000,000

Any changes to the amounts or projects listed above requires consultation with the Committee prior to execution of these changes.

For additional detail on the Committee's recommendation, see discussion of section 2106 addressed elsewhere in this report.

The Committee recommends $22,000,000 for southern Sudan under "Economic Support Fund", the same as the President's request. The Committee intends for this funding to be used to support the implementation of the Comprehensive Peace Agreement, including training and political party support for the National Democratic Alliance and the Sudanese People's Liberation Movement.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The Committee includes $33,700,000 for Ukraine under "Assistance for the Independent States of the Former Soviet Union" instead of $60,000,000 as requested by the President. The Committee lauds the democratic initiative of the Ukrainian people and intends this funding to be used for projects that will quickly show support for the Yushenko government, as well as for costs associated with supporting the upcoming Parliamentary elections.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The Committee recommends $594,000,000 for police and counternarcotics programs in Afghanistan. Funds provided under this heading include $95,000,000 for replenishment of fiscal year 2005 funds for Afghanistan, Pakistan, and aviation support that were to be reprogrammed according to the terms of the January 27, 2005 congressional notification from the Department of State. If the reprogramming is not executed prior to the enactment of this Act, the Committee expects the Department of State to use these funds for the same purposes outlined in the January 27, 2005 congressional notification unless otherwise consulted and notified.

The Committee does not agree to provide $46,000,000 for aerial eradication as requested or $20,000,000 of the $30,000,000 for Pakistan that was requested. The Committee expects to consider some of this funding during the regular fiscal year 2006 appropriations process.

The Committee recommends $400,000,000, the same as the request, to provide assistance to Afghan police so that they can increasingly assume responsibility for their nation's security. Assistance provided can include training, equipping, and deploying Afghan police and assisting Afghanistan in the building of infrastructure and capabilities so that the Afghan government can begin to train, equip, and operate its own police.

MIGRATION AND REFUGEE ASSISTANCE

The Committee appropriates $53,400,000 under "Migration and Refugee Assistance", the same as the President's request. The Committee expects $48,400,000 of this funding to be used to meet the needs of Sudanese refugees in Chad and internally displaced persons in the Darfur region of Sudan, and $5,000,000 to facilitate the return and resettlement of refugees in southern Sudan.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The Committee recommends $17,100,000 to support anti-terrorism training and protection programs in Afghanistan as requested. The Committee expects to consider funding for the request of $15,000,000 to support a classified Nonproliferation and Disarmament Fund activity during the regular fiscal year 2006 appropriations process.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Foreign Military Financing Program

The Committee recommends $250,000,000 for the FMF program. Of this amount, $150,000,000 is for Pakistan to provide improved capabilities for border security in the fight against terrorism and to increase interoperability with the United States and coalition forces. For Jordan, $100,000,000 is recommended in order to support the continuation of programs that address border security challenges.

PEACEKEEPING OPERATIONS

The Committee recognizes that a lasting peace in southern Sudan will depend on a professional, civilian-led military and includes $10,000,000 under "Peacekeeping Operations", the same as the President's request, to support peace-consolidation activities in southern Sudan's security sector.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2101. As requested, this provision would amend Section 307(a) of the Foreign Assistance Act of 1961 by striking "Iraq" from the list of countries for which the United States would otherwise be required to withhold voluntary contributions.

(RESCISSION)

Sec. 2102. This provision rescinds funds provided in Public Law 108–11. The funds appropriated in the 2003 emergency supplemental appropriations act (Public Law 108–11) under the heading "Economic Support Fund" in the amount of $1,000,000,000 for the purpose of providing loan guarantees for the Republic of Turkey for loans up to $8,500,000,000 would expire on September 30 of this year. These funds were intended to support the stablility of the Turkish economy during a volatile period caused by global economic downturn and the War in Iraq. The economy of the Republic of Turkey has performed remarkably and with the decision by the European Union to hold accession talks for Turkey and with greater global stability, the outlook for the economy looks favorable and the potential need for these funds has passed. The Republic of Turkey has not required the loans, for which these funds were intended to provide guarantee. Furthermore, greater global needs have emerged with the natural disasters in South Asia and the need to ensure progress in stabilizing Afghanistan and the Middle East. Therefore, the Committee recommends that the

$1,000,000,000 be rescinded without prejudice in order to provide for more urgent needs elsewhere.

Sec. 2103. This provision requires the Comptroller General to audit the expenditure and execution of U.S. assistance for the West Bank and Gaza.

Sec. 2104. This provision requires the Secretary of State to present a plan within 30 days of enactment on the proposed use of all funds appropriated under Chapter 1 on a project-by-project basis for the following six months. The provision would allow for up to 10 percent of the funds to be obligated prior to submission of the plan.

Sec. 2105. This provision requires the Comptroller General to audit the expenditure and execution of U.S. counternarcotics and alternative livelihoods assistance for Afghanistan.

Sec. 2106. This provision mandates a report detailing specific steps for reform taken by the Palestinian Authority; sets aside up to $5,000,000 for an outside, independent audit by an internationally recognized accounting firm of Palestinian Authority expenditures; and specifies that the waiver authority provided in section 550(b) of the fiscal year 2005 Act making appropriations for foreign operations, export financing and related programs, may not be used to make appropriations from this supplemental available for funding to the Palestinian Authority. Section 550(a) of the fiscal year 2005 Act prohibits direct funding to the Palestinian Authority; Section 550(b) permits a waiver of that prohibition if the President determines such a waiver to be in the interests of national security. It is the intent of Congress that this restriction of waiver authority contained in this bill would only apply to the funds added by this supplemental not to funding appropriated by public law 108–447, or any other law. This section also prohibits the national security waiver issued by this President on December 8, 2004 and authorizing direct assistance to the Palestinian Authority from applying to funds added by this emergency supplemental.

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The recommendation includes $748,500,000 for "Diplomatic and Consular Programs". The recommendation provides for costs of the U.S. mission in Iraq, including $30,000,000 for operations, $479,500,000 for security, $20,500,000 for technology, and $160,000,000 for logistical support. In addition, the recommendation includes $55,500,000 for operations and security requirements of the U.S. Mission in Kabul, Afghanistan as a result of the withdrawal of U.S. military forces. The recommendation does not include requested funds for costs associated with Federal employees detailed for reconstruction efforts and ministry expertise in Afghanistan. The recommendation assumes these requirements will be met by contributing Federal agencies. Finally, the recommendation includes $3,000,000 for costs of the Office of the Coordinator

for Reconstruction and Stabilization related to post-conflict reconstruction and stabilization efforts. The recommendation does not include requested funds for additional personnel costs related to the response effort.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The recommendation includes $592,000,000 for the construction of a new secure embassy compound in Baghdad, Iraq, including office, housing, and support facilities, infrastructure, project supervision, and construction security. The recommendation is $66,000,000 below the request, and assumes a proportional reduction in overall projected mission staffing levels. The Committee understands that the recommended funding level is sufficient to ensure completion of a secure compound within 24 months of the project start date.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

The recommendation includes $580,000,000 for United States assessed contributions for international peacekeeping missions. The recommendation includes funding to pay anticipated assessments related to the creation of a peacekeeping mission in Sudan. The recommendation includes language allowing up to $55,000,000 to be made available to support an assessed or voluntary United States contribution to a Sudan war crimes tribunal.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The recommendation includes $4,800,000, as requested, to expand United States broadcasting programs in local languages to Pakistan, Iran, Indonesia, and Muslim populations in Europe.

CHAPTER 3

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The Committee recommends an additional $150,000,000 to reimburse the "Public Law 480 Title II Grants" account for funds used to address emergency food needs for the growing population of individuals in need of humanitarian assistance in the Darfur region of Sudan and would allow additional contributions to this and other critical food situations.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

The bill provides $55 million for deployment of radiation detection equipment and the training of law enforcement officials in four overseas ports to provide them with the technical means to detect, deter, and interdict illicit trafficking in nuclear and other radioactive materials through the Megaports program. The bill also provides $55 million to address urgent priorities outside of the former Soviet Union to secure nuclear materials from diversion or theft by terrorists or states of concern.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The Committee recommends an additional $111,950,000 for U.S. Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom. This funding will allow Coast Guard forces currently stationed in the Persian Gulf to continue to provide port security and law enforcement capabilities as requested by the Department of Defense Combatant Commander. In addition, a portion of this funding will support the Coast Guard's strategic CONUS waterside security teams, which ensure the safety of military assets during maritime outload and return. The entire amount is designated as an emergency requirement.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The Committee recommends an additional $49,200,000 to fund either procurement of new U.S. Coast Guard 110–foot patrol boats or major refits, renovation, and subsystem replacement for these boats. Currently, the Coast Guard has six 110–foot patrol boats deployed in support of Operation Iraqi Freedom that are operating at a much higher tempo than planned for domestically. Therefore, extensive system overhauls, or perhaps complete replacement, will be necessary. The entire amount is designated as an emergency requirement.

Prior to the obligation of funds, the Coast Guard is directed to provide to the Committee an analysis of the costs and benefits of procuring new 110-foot or 123-foot patrol boats versus renovating the existing 110-foot boats. This analysis should include the expected available patrol boat mission hours over the next 10 years with the existing fleet versus the yearly mission hours conducted since 9/11 and the 10 year projected mission hour needs. The analysis should lay out how Coast Guard intends to meet the mission needs of the patrol boat.

CHAPTER 3

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The recommendation includes $78,970,000 for the Federal Bureau of Investigation (FBI), which is $1,030,000 below the request. The recommendation includes $40,000,000, as requested, for support of FBI personnel deployed in Iraq. The recommendation includes $38,970,000 for the Terrorist Screening Center (TSC), which is $1,030,000 below the request.

The funding provided for TSC will provide for the expansion of operations to support new requirements, including the implementation of the Secure Flight program. The Committee understands that TSC will increase its capability to process up to 3 million additional terrorist watchlist queries per day, and the resulting increase in potential terrorist encounters requiring verification and follow-up with appropriate law enforcement and intelligence officials.

In addition to the $38,970,000 provided for TSC in this bill, the fiscal year 2006 budget proposes an additional $75,000,000 program enhancement. The Committee is concerned by the significant growth in funding requirements proposed for this program. The Committee understands that the Department of Justice Office of the Inspector General (OIG) is currently performing a program review of TSC. The Committee directs the OIG to also evaluate TSC's plan to support the Secure Flight program and report to the Committee no later than August 1, 2005 on its findings. The Committee directs the FBI to work closely with the OIG on this review to ensure the success of the program.

The recommendation does not include funds requested for increased TSC postage costs and for travel costs associated with temporary duty staff. Given the important mission of TSC, the Committee believes that the FBI can avoid these costs in part by assigning permanent positions to staff TSC and limiting its reliance on one to three month personnel rotations to meet immediate staffing needs.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The recommendation includes $7,648,000, as requested, to support the Drug Enforcement Administration's counternarcotics efforts to reduce poppy and heroin production in Afghanistan.

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

The Tsunami Recovery and Reconstruction Fund would provide $656,000,000 to fund relief and long term recovery and reconstruction programs in countries affected by the December 26, 2004 earthquake and tsunami. Funding is not included for the budget costs of modifying any amounts owed by governments of the affected countries to agencies of the United States.

The Committee recommends education as an important priority for supplemental spending, with funds allocated to school building repair and construction, educational materials, teacher training and vocational training. The Committee also recommends extra efforts to support initiatives for the protection of women and children from violence, trafficking and exploitation. Finally, in addition to other efforts to promote economic opportunities, the Committee recommends $10,000,000 be used for small grants to support training and equipment for women-led local non-governmental organizations in tsunami-affected areas.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4101. As requested, this provision would specify that funds made available, with disaster assistance authorities, in foreign assistance accounts other than the International Disaster and Famine Assistance account to address relief and rehabilitation needs in countries affected by the Indian Ocean earthquake and tsunami under the "borrowing authority" provision in section 492(b) of the Foreign Assistance Act, do not count against the $50,000,000 annual limitation on the use of this authority.

Sec. 4102. This provision requires the Secretary of State to present a plan within 30 days of enactment on the proposed use of all funds appropriated under this Chapter on a project-by-project basis. The provision would allow for up to 10 percent of the funds to be obligated prior to submission of the plan.

To provide a complete picture of resources being provided to tsunami-affected countries, this report should also include an estimate of private contributions pledged to or received by non-governmental organizations (including religious organizations). The report should include an analysis of the mechanisms established for transparency and accountability in the grant-making process. It should also include an estimate of contributions by all bilateral and multilateral official donors, including an assessment of how much will be disbursed within 2005.

The Committee requests the Government Accountability Office review United States assistance to the countries affected by the December 2004 earthquake and tsunami.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

SUBMISSION OF BUDGET AMENDMENT

On February 14, 2005, the President submitted a request for fiscal year 2005 supplemental appropriations $222,050,000 to reimburse the military services and the Overseas Humanitarian, Disaster, and Civic Aid account for emergency relief, rehabilitation, and reconstruction aid provided by the military services following the December 2004 Tsunami in the Indian Ocean.

COMMITTEE RECOMMENDATIONS

The Committee recommends the total funding requested by the President in the accounts and amounts as requested:

Operation and Maintenance, Navy	$124,100,000
Operation and Maintenance, Marine Corps	2,800,000
Operation and Maintenance, Air Force	30,000,000
Operation and Maintenance, Defense-Wide	29,150,000
Overseas Humanitarian, Disaster, and Civic Aid	36,000,000

The funds are provided in the amounts requested in order to reimburse the military services operating accounts for expenses incurred in providing emergency relief to the victims of the Indian Ocean Tsunami in December of 2004. The fast response by the U.S. Military demonstrated flexibility, creativity and human compassion in the face of unimaginable destruction and human suffering. The Committee commends the men and women of the Armed Forces for their hard work and dedication in protecting human life and relieving the suffering of countless thousands of tsunami victims.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY QUALITY OF LIFE

DEFENSE HEALTH PROGRAM

The Committee recommends $3,600,000 for the Defense Health Program, which is the same as the budget request.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The Committee recommends an additional $350,000 to fund the incremental cost of the U.S. Coast Guard's air operations in support of tsunami relief efforts in Southeast Asia, as requested by the Department of Defense. The entire amount is designated as an emergency requirement.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The Committee recommends $8,100,000, as requested, to provide increased earthquake and tsunami detection in the United States and its territories through expansion of the Global Seismographic Network and the National Earthquake Information Center.

CHAPTER 6

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The recommendation includes $4,830,000 for costs associated with improving tsunami protection and preparedness in the United States, in the Pacific Basin as well as the Caribbean/Atlantic/Gulf of Mexico. The recommended funding level will support upgrade and expansion of NOAA's network of sea level monitoring and tidal gages; the expansion and acceleration of inundation mapping and modeling; round-the-clock operations at NOAA's existing tsunami warning centers; development efforts to improve the performance of Deep-ocean Assessment and Reporting of Tsunamis (DART) buoys; and increased community outreach and preparedness certification efforts. NOAA shall report to the Committee by May 15, 2005, on an implementation plan and timetable to identify and achieve preparedness certification for the most vulnerable United States coastal communities.

The Committee is aware that Washington and Oregon coastal communities located near the Cascadia subduction zone are among the most at-risk of a tsunami event in the United States, based on geological analysis and historical activity. The risk is especially high for Native American communities that live on or very near the shoreline. The Committee expects the implementation plan to address requirements of such communities. The recommendation under the Procurement, Acquisition and Construction account includes funding for deploying additional DART buoys. The Committee is aware of the challenges involved in operating and maintaining DART buoys and notes that additional operations and maintenance costs in fiscal year 2005 will be covered from within previously appropriated funds.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The recommendation includes $9,670,000 for costs associated with improving tsunami protection and preparedness in the United States, in the Pacific Basin as well as the Caribbean/Atlantic/Gulf of Mexico. The recommended funding level will support the improvement of seismic measurements, and the acquisition and deployment of an estimated 35 additional DART buoys, 28 for the Pacific Basin and 7 for the Caribbean/Atlantic/Gulf of Mexico.

TITLE V—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

Sec. 5001. The Committee recommends language limiting the availability of funds provided in this Act to this fiscal year unless expressly provided otherwise.

(TRANSFER OF FUNDS)

Sec. 5002. The Committee has included a general provision for Department of Defense—Military, which makes certain technical adjustments and directs the transfer of funds for the purpose of ensuring proper budget execution for critical force protection items previously funded. Specifically, $500,000 is transferred from "Other Procurement, Air Force", to "Research, Development, Test and Evaluation, Air Force", for the Digital Network Centric Remotely Operated Weapons System. In addition, $8,200,000 is transferred to "Other Procurement, Air Force", Line 56, only for the Mobile Common Data Link Gateway. These funds will be used to support ongoing production of communications gear to be integrated into systems deployed to Iraq. Funding for this program is transferred from "Other Procurement, Navy", Line 107, $4,200,000, All-in-One Wireless Access Points, and "Other Procurement, Navy", Line 18, $4,000,000, Wireless Network Capable Application Processors.

Sec. 5003. The Committee recommends language waiving certain authorization requirements.

Sec. 5004. The Committee recommends a provision that corrects a citation to a public law.

Sec . 5005. The Committee recommends a technical correction relating to credits and reimbursements and per state limitations on environmental infrastructure programs.

Sec. 5006. The Committee recommends a technical correction relating to the deposition of a previous appropriation in the San Gabriel Basin Restoration Fund.

Sec. 5007. The Committee recommends a correction relating to the derivation of funds appropriated for Nuclear Waste Disposal from the Nuclear Waste Fund, and to oversight activities by affected units of local government.

Sec. 5008. The Committee recommends a technical correction to a provision in the Department of the Interior and Related Agencies Appropriations Act, 2005, regarding a Bureau of Land Management land transfer to the Secretary of Veterans Affairs in Clark County, Nevada.

Sec. 5009. The Committee recommends language making technical corrections to projects funded through the fund for the improvement of education program.

Sec. 5010. The Committee recommends language making technical corrections to projects funded through the fund for the improvement of postsecondary education program.

Sec. 5011. The Committee recommends a technical correction to bill language for the Corporation for National and Community Service to allow the Corporation to use up to one percent of grant funds to defray the cost of conducting grant reviews for Learn and Serve America and Next Generation grants.

Sec. 5012. The Committee recommends language to continue the prohibition on funding of emergency preparedness centers from the

Department of Veterans Affairs medical services account since this activity is duplicative of programs supported by the Department of Health and Human Services. Public Law 108–422 changed the definition of the emergency preparedness centers so that the appropriations provision in Public Law 108–447, did not prohibit funding for them. This technical correction is to clarify that VA medical services funds are not diverted to activities supported by HHS.

Sec. 5013. The Committee recommends language which would allow the Secretary of Veterans Affairs to deposit proceeds and revenues received through enhanced-use lease activities (including disposal) in the major and minor construction accounts. These funds can be used for site acquisition, construction and alterations for any medical facility under the jurisdiction or use of the Department of Veterans Affairs.

Sec. 5014. The Committee recommends language making a technical correction making certain funds for the Department of Veterans Affairs available without fiscal limitation.

Sec. 5015. The Committee recommends a technical correction to bill language related to a grant recipient.

Sec. 5016. The Committee recommends a technical correction modifying the purpose of a grant.

Sec. 5017. The Committee recommends a technical correction modifying the purpose of a grant.

Sec. 5018. The Committee recommends language allowing the Department of Justice to transfer funds, if necessary, to address a shortfall in the Detention Trustee account. Any transfer remains subject to reprogramming notification requirements in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

Sec. 5019. The Committee recommends language making technical corrections to certain economic development initiatives funded in Public Law 108–7.

Sec. 5020. The Committee recommends language making technical corrections to certain economic development initiatives funded in Public Law 108–199.

Sec. 5021. The Committee recommends language making technical corrections to certain economic development initiatives funded in Public Law 108–447.

Sec. 5022. The Committee recommends language making a technical correction to certain Judiciary fees.

Sec. 5023. The Committee recommends language making a technical correction to consideration of an urbanized area in Norman, Oklahoma.

Sec. 5024. The Committee recommends language making technical corrections and amendments to the use of District of Columbia local funds.

TITLE VI

HUMANITARIAN ASSISTANCE CODE OF CONDUCT

Language is included limiting the obligation of humanitarian assistance to those organizations which have adopted a code of conduct that provides for the protection of beneficiaries of such assistance from sexual exploitation or abuse in humanitarian relief operations.

EMERGENCY DESIGNATIONS

For the purposes of Section 402 of S. Con. Res. 95 (108th Congress), funds in this bill that are designated as emergency requirements are provided in response to a situation which poses a direct threat to life and property, is sudden, is an urgent and compelling need, is unpredictable, and is not permanent in nature. Using the criteria outlined in Section 402 as well as an analysis of truly critical needs, the Committee excluded or offset about $3.3 billion items requested by the President that were not urgent or essential. The remaining funds are for requirements that are justified as emergency in nature.

CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill that directly or indirectly change the application of existing law.

The bill includes several appropriations that are not authorized by law and as such may be construed as legislative in nature.

The bill includes several emergency appropriation designations that may be construed as legislative in nature.

Language is included that restricts the availability of the funds to the current fiscal year unless otherwise provided.

Language has been included for Department of Defense—Military in chapter 1, "Operation and Maintenance, Defense-Wide" which provides $25,000,000 for the Combatant Commander Initiative Fund; and up to $1,220,000,000 for reimbursements to other nations for logistical, military and other support provided for operations in Iraq.

Language has been included for Department of Defense—Military, in chapter 1, which creates a new appropriations paragraph "Afghanistan Security Forces Fund" which provides $1,285,000,000 to the Combined Forces Command—Afghanistan to provide assistance to the Afghan Security Forces.

Language has been included for Department of Defense—Military, in chapter 1, which creates a new appropriations paragraph "Iraq Security Forces Fund" which provides $5,700,000,000 to the Multi-National Security Transition Command—Iraq to provide assistance to Iraqi Security Forces.

Language has been included for Department of Defense—Military, in chapter 1, in "Drug Interdiction and Counter-Drug Activities, Defense" which provides an additional $257,000,000 for counter-drug activities and narcotics-related terrorist activities in Afghanistan and the Central Asia area.

Language has been included for Department of Defense—Military which provides $2,000,000,000 of additional transfer authority for funds made available in this chapter.

Language has been included for Department of Defense—Military which amends Section 8005 of the Department of Defense Appropriations Act, 2005 to provide the Department an additional $2,000,000,000 of general transfer authority.

Language has been included for Department of Defense—Military which provides that funds in the Defense Cooperation Account

may be obligated or expended only to the extent and in the manner provided in subsequent appropriations Acts.

Language has been included for Department of Defense—Military which provides that funds made available in "Drug Interdiction and Counter-Drug Activities, Defense" be available for assistance to the counter-narcotics forces of Afghanistan and Pakistan.

Language has been included for Department of Defense—Military which provides the Department with additional authority for extraordinary and emergency expenses in order to support emergent requirements associated with the ongoing war on terrorism.

Language has been included for Department of Defense—Military which provides that working capital funds of the Department may increase the limitation on advance billing.

Language has been included for Department of Defense—Military which amends the amount of funds provided for the Commander's Emergency Response Program (CERP).

Language has been included for Department of Defense—Military concerning funds for intelligence related activities.

Language has been included for Department of Defense—Military which waives the annual limitation on total compensation for civilian employees while in the U.S. Central Command's area of responsibility in support of military operations.

Language has been included for Department of Defense—Military which provides the Director of National Intelligence (DNI) additional flexibility with respect to filling the additional positions authorized for the Office of the DNI.

Language has been included for Department of Defense—Military which extends the authority contained in the 2003 National Defense Authorization Act through December 31, 2005, to support coalition liaison officers.

Language has been included for Department of Defense—Military which increases the maximum amount of the reserve affiliation bonus.

Language has been included for Department of Defense—Military which increases the Service Members Group Life Insurance (SGLI) coverage to a maximum of $400,000 and increases the death gratuity from $12,000 to $100,000.

Language has been included for Department of Defense—Military which provides death gratuity increases, retroactive to October 7, 2001, for the increased Service Members Group Life Insurance coverage and increased death gratuity payment.

Language has been included in Department of Defense—Military which deems funds appropriated or made available by transfer in this chapter for intelligence activities to be authorized by Congress.

Language has been included for Department of Defense—Military which prohibits the initiation of new start programs without prior congressional approval.

Language has been included under Department of Defense, Military Construction programs, which places a limitation on the use of funds.

Language has been included under Department of Defense, Military Construction programs which allows the expenditure of funds for projects not otherwise authorized.

Language has been included in title II under the International Disaster and Famine Assistance, Economic Support Fund, Assist-

ance for the Independent States of the Former Soviet Union, and International Narcotics Control and Law Enforcement accounts allocating funds for certain purposes.

Language has been included in title II which amends section 307(a) of the Foreign Assistance Act of 1961 to allow Iraq to receive assistance from international organizations to which the US makes voluntary contributions.

Language is included in title II which requires an audit of the expenditures and execution of U.S. assistance for the West Bank and Gaza.

Language is included in title II which requires certain notification reporting requirements for the proposed obligation and expenditure of certain funds.

Language is included in title II which requires an audit of the expenditures and execution of U.S. counternarcotics and alternative livelihoods assistance for Afghanistan.

Language is included in title II which modifies the application of section 550(b) in Public Law 108–447 to certain funds provided in this bill.

Language is included in title II, allowing the transfer of funds between specific accounts for a Sudan war crimes tribunal.

Language is included in title IV under the Tsunami Recovery and Reconstruction Fund account which provides certain transfer authorities and allows the use of funds for certain purposes.

Language is included in title IV making amounts made available for tsunami and earthquake relief and rehabilitation pursuant to section 492(b) of the Foreign Assistance Act of 1961 prior to enactment of this Act to be in addition to amounts that may be obligated in fiscal year 2005 under that section.

Language is included in title IV which requires certain notification and reporting requirements for the proposed obligation and expenditure of certain funds.

Language is included under the National Oceanic and Atmospheric Administration accounts specifying the purpose of such funds.

Language is included under title V in Department of Defense—Military which makes certain technical adjustments and directs the transfer of funds that are unexecutable as previously appropriated.

Language is included under title V waiving prior authorization requirements for the expenditure of funds by the Department of State or the Broadcasting Board of Governors.

Language is included under title V making various technical changes to Public Law 108–447.

Language is included under title V making various technical changes to Public Law 108–199.

Language is included under title V allowing the Department of Justice to transfer funds from any Department of Justice account to the "Detention Trustee" subject to existing notification requirements.

Language is included under title V making technical changes to certain economic development initiatives included in Public Law 108–7.

Language is included under title V making technical changes to certain economic development initiatives included in Public Law 108–199.

Language is included under title V making technical changes to certain economic development initiatives included in Public Law 108–447.

Language is included under title V making technical changes to the availability of receipts under 28 U.S.C. 1931.

Language is included under title V making a technical change to section 198 of division H of Public Law 108–447.

Language is included making technical corrections and changes to the use of District of Columbia local funds.

Language is included as title VI prohibiting the use of certain funds to organizations which have failed to adopt a humanitarian assistance code of conduct.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law:

[In thousands of dollars]

Agency/Program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
DEPARTMENT OF DEFENSE:				
Military Personnel, Army	2005	(1)	25,407,033	11,779,642
Military Personnel, Navy	2005	(1)	20,918,897	534,080
Military Personnel, Marine Corps	2005	(1)	8,528,467	1,251,726
Military Personnel, Air Force	2005	(1)	21,154,508	1,473,472
Reserve Personnel, Army	2005	(1)	3,371,410	40,327
Reserve Personnel, Navy	2005	(1)	1,898,072	11,111
Reserve Personnel, Marine Corps	2005	(1)	584,373	4,115
Reserve Personnel, Air Force	2005	(1)	1,387,560	130
National Guard Personnel, Army	2005	(1)	5,487,278	430,300
National Guard Personnel, Air Force	2005	(1)	2,323,042	91
Operation and Maintenance, Army	2005	26,098,411	23,934,471	17,366,004
Operation and Maintenance, Navy	2005	29,682,590	28,008,614	3,030,801
Operation and Maintenance, Marine Corps	2005	3,648,115	3,130,917	982,464
Operation and Maintenance, Air Force	2005	28,298,660	26,185,595	5,769,450
Operation and Maintenance, Defense-Wide	2005	17,325,276	17,354,119	3,061,300
Operation and Maintenance, Army Reserve	2005	2,008,128	1,788,587	8,154
Operation and Maintenance, Navy Reserve	2005	1,240,038	1,165,888	75,164
Operation and Maintenance, Marine Corps Reserve	2005	188,696	175,253	24,920
Operation and Maintenance, Army National Guard	2005	4,452,786	4,045,702	188,779
Overseas Humanitarian, Disaster, and Civic Aid	2005	59,000	59,000	10,000
Afghanistan Security Forces Fund		0	0	1,285,000
Iraq Security Forces Fund		0	0	5,700,000
Aircraft Procurement, Army	2005	2,611,540	2,854,541	458,677
Missile Procurement, Army	2005	1,307,000	1,307,000	340,536
Procurement of Weapons & Tracked Combat Vehicles, Army	2005	1,702,695	2,467,495	2,678,747
Procurement of Ammunition, Army	2005	1,545,702	1,590,952	532,800
Other Procurement, Army	2005	4,345,246	4,955,296	6,634,905
Aircraft Procurement, Navy	2005	8,814,442	8,912,042	200,295
Weapons Procurement, Navy	2005	2,067,520	2,114,720	71,600
Procurement of Ammunition, Navy and Marine Corps	2005	878,140	888,340	141,735
Other Procurement, Navy	2005	4,633,886	4,875,786	78,372
Procurement, Marine Corps	2005	1,268,453	1,432,203	3,588,495
Aircraft Procurement, Air Force	2005	13,228,124	13,648,304	279,241
Procurement of Ammunition, Air Force	2005	1,318,959	1,327,459	6,998
Other Procurement, Air Force	2005	12,949,327	13,071,297	2,658,527
Procurement, Defense-Wide	2005	2,846,583	2,956,047	646,327
Research, Development, Test and Evaluation, Army	2005	9,307,248	10,698,989	25,170
Research, Development, Test and Evaluation, Navy	2005	16,200,591	17,043,812	202,051
Research, Development, Test and Evaluation, Air Force	2005	20,432,933	20,890,922	121,500
Research, Development, Test and Evaluation, Defense-Wide	2005	20,252,851	20,983,624	159,600
Defense Working Capital Funds	2005	1,175,000	1,174,210	1,411,300
National Defense Sealift Fund	2005	1,269,252	1,204,626	32,400
Drug Interdiction and Counter-Drug Activities, Defense	2005	852,947	906,522	257,000
Office of the Inspector General	2005	204,562	204,562	148
Intelligence Community Management Account	2005	310,466	310,466	250,300
Sec. 1101	2005	0	0	(2,000,000)
Sec. 1102	2005	0	(3,500,000)	(5,500,000)
Sec. 1103	2005	0	0	12,000
Military Construction, Army	2005	1,968,985	1,981,084	930,100
Military Construction, Navy and Marine Corps	2005	1,056,285	1,069,947	92,720
Military Construction, Air Force	2005	853,875	866,331	301,386
Defense Health Program	2005	17,959,186	18,171,436	175,500

1/ The FY 2005 National Defense Authorization Act authorizes $104,647,600,000 for military personnel.

[In thousands of dollars]

Agency/Program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
International Disaster and Famine Assistance	1987	25,000	70,000	44,000
Operating expenses of United States Agency for International Development Office of Inspector General	1987	387,000	340,600	24,400
Operating expenses of United States Agency for International Development Office of Inspector General	1987	21,750	21,000	2,500
Economic Support Fund	1987	3,800,000	3,555,000	1,061,200
Assistance for the Independent States of the Former Soviet Union	1993	410,000	417,000	33,700
International Narcotics Control and Law Enforcement	1994	171,500	100,000	594,000
Migration and Refugee Assistance	2001	750,000	700,000	53,400
Nonproliferation, Anti-Terrorism, Demining and Related Programs	See Note	---	---	17,100
Foreign Military Financing Program	2002	3,627,000	3,650,000	250,000
Peacekeeping Operations	1999	83,000	76,500	10,000
DEPARTMENT OF STATE:				
Administration of Foreign Affairs	2003	5,133,390	5,098,804	1,340,500
International Organizations	2003	1,617,359	1,529,702	580,000
BROADCASTING BOARD OF GOVERNORS	2003	644,486	533,841	4,800
DEPARTMENT OF ENERGY--Defense Nuclear Nonproliferation	2005	238,000	322,000	110,000
DEPARTMENT OF JUSTICE:				
Federal Bureau of Investigation	2003	4,323,912	4,234,587	78,790
Drug Enforcement Administration	2003	1,582,044	1,560,919	7,648
Tsunami Recovery and Reconstruction Fund	None			656,000
DEPARTMENT OF DEFENSE--MILITARY:				
Operation and Maintenance, Navy	2005	27,975,559	28,008,614	124,100
Operation and Maintenance, Marine Corps	2005	3,426,056	3,130,917	2,800
Operation and Maintenance, Air Force	2005	26,089,670	26,185,595	30,000
Operation and Maintenance, Defense-Wide	2005	16,243,157	17,354,119	29,150
Overseas Humanitarian, Disaster, and Civic Aid	2005	59,000	59,000	36,000
Defense Health Program	2005	17,959,186	18,171,436	3,600
DEPARTMENT OF COMMERCE--National Oceanic and Atmospheric Administration	None	---	---	14,500

Note.--Programs recommended herein under "Nonproliferation, Anti-Terrorism, Demining, and Related programs" include some major programs for which authorizations of appropriations were provided for fiscal year 2002; these programs include $73,000,000 authorized for anti-terrorism assistance and $142,000,000 authorized for nonproliferation activities.

TRANSFER OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following is submitted describing the transfer of funds provided in the accompanying bill.

Language has been included in Department of Defense—Military, in chapter 1, "Afghanistan Security Forces Fund" which provides for the transfer of funds to other appropriations accounts of the Department of Defense.

Language has been included in Department of Defense—Military, in chapter 1, "Iraq Security Forces Fund" which provides for the transfer of funds to other appropriations accounts of the Department of Defense.

Language has been included in Department of Defense—Military, in chapter 1, "Drug Interdiction and Counter-Drug Activities, Defense" which transfers funds to other appropriations accounts of the Department of Defense.

Language has been included in Department of Defense—Military, in chapter 1, "Other Procurement, Army" which includes a transfer of funds from the "Iraq Freedom Fund".

Language has been included in Department of Defense—Military in section 1101 which provides the Department with additional general transfer authority.

Language has been included in Department of Defense—Military in section 1103 which transfers amounts in or credited to the Defense Cooperation Account to other appropriations accounts of the Department of Defense.

Language has been included in title II, allowing the transfer of funds between specific accounts for a Sudan war crimes tribunal.

Language has been included in title IV under Tsunami Recovery and Reconstruction Fund allows that up to $10,000,000 may be transferred to and merged with "Development Credit Authority" for the cost of direct loans and loan guarantees, up to $15,000,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development", up to $500,000 may be transferred and merged with "Operating Expenses of the United States Agency for International Development, Office of Inspector General", and up to $5,000,000 may be transferred and merged with "Administration of Foreign Affairs Emergencies in the Diplomatic and Consular Service".

Language has been included in Department of Defense—Military in which makes certain technical adjustments and directs the transfer of funds that are unexecutable as previously appropriated.

Language has been included under title V which allows certain funds provided in the District of Columbia Appropriations Act, 2005 to be transferred between certain accounts and for certain purposes.

RESCISSIONS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following is submitted describing the rescissions recommended in the accompanying bill:

Under "General Provisions" in title II, chapter 1, the unexpended balance appropriated by Public Law 108–11 under the heading

"Economic Support Fund" and made available for Turkey is rescinded.

RESCISSIONS RECOMMENDED IN THE BILL

Department or Activity	*Amounts recommended for rescission*

COMPARISON WITH THE BUDGET RESOLUTION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives requires an explanation of compliance with section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, which requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the applicable fiscal year.

Appropriations in this bill are either designated emergency or offset in budget authority therein. Total emergency spending in this bill is $81,271,578,000 in budget authority. Emergency spending is not measured against the section 302 allocations.

Nonemergency spending totals $995,300,000 in budget authority, offset by a $1,000,000,000 rescission of budget authority for a net reduction of $4,700,000 in spending measured against the section 302 allocations.

FIVE-YEAR OUTLAY PROJECTIONS

In compliance with section 308(a)(1)(B) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

	Millions
Budget Authority	81,267
Outlays:	
2005	32,218
2006	30,545
2007	13,281
2008	3,819
2009 and beyond	2,039

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

	Millions
Budget Authority	– – –
Fiscal Year 2005 outlays resulting therefrom	– – –

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives states that:

> Each report of a committee on a bill or joint resolution of a public character, shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

The Committee on Appropriations bases its authority to report this legislation from Clause 7 of Section 9 of Article I of the Constitution of the United States of America which states:

> No money shall be drawn from the Treasury but in consequence of Appropriations made by law * * *

Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorizes funding:

The Committee on Appropriations considers program performance, including a program's success in developing and attaining outcome-related goals and objectives, in developing funding recommendations.

COMPLIANCE WITH RULE XIII, CL. 3(e) (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

(Public Law 108–287)

* * * * * * *

TITLE II

OPERATION AND MAINTENANCE

* * * * * * *

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $17,449,619,000: *Provided*, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed [$32,000,000] *$40,000,000* can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That notwithstanding any other provision

of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further,* That of the funds made available under this heading, $2,550,000 shall be available only for a Washington-based internship and immersion program to allow U.S. Asian-American Pacific Islander undergraduate college and university students from economically disadvantaged backgrounds to participate in academic and educational programs in the Department of Defense and related Federal defense agencies: *Provided further*, That notwithstanding any other provision of law, the Office of Economic Adjustment of the Department of Defense may make grants and supplement other Federal funds using funds made available by this Act under this heading in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of the Conference for the Conference Report to accompany H.R. 4613 and these projects shall hereafter be considered to be authorized by law: *Provided further,* That of the funds provided under this heading that are available for commercial imagery purchases, $500,000 shall be used by the National Geospatial-Intelligence Agency to pay for imagery and high-resolution terrain data collected in 2003 in support of the California wildfires: *Provided further,* That of the funds provided under this heading not less than $27,000,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

* * * * * * *

TITLE VIII

GENERAL PROVISIONS

* * * * * * *

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed [$3,500,000,000] *$5,500,000,000* of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2005: *Provided further,* That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

* * * * * * *

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. (a) * * *

(b) Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", [$185,000,000] *$210,000,000* shall remain available until expended: * * *

* * * * * * *

SECTION 1201 OF THE RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) FISCAL YEAR 2005 AUTHORITY.—During fiscal year 2005, from funds made available to the Department of Defense for operation and maintenance pursuant to title XV, not to exceed [$500,000,000] *$854,000,000* may be used to provide funds—

(1) * * *

* * * * * * *

SECTION 1096 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SEC. 1096. TRANSITIONAL AUTHORITIES.

(a) * * *

(b) TRANSFER OF PERSONNEL.—In addition to any other authorities available under law for such purposes, [in the fiscal year after the effective date of this Act] *during fiscal years 2005 and 2006*, the Director of National Intelligence—

(1) is authorized within the Office of the Director of National Intelligence [500 new personnel billets] *a total of 500 new personnel positions*; and

* * * * * * *

TITLE 10, UNITED STATES CODE

* * * * * * *

SUBTITLE A—General Military Law

* * * * * * *

PART II—PERSONNEL

* * * * * * *

CHAPTER 53—MISCELLANEOUS RIGHTS AND BENEFITS

* * * * * * *

§ 1051a. Coalition liaison officers: administrative services and support; travel, subsistence, and other personal expenses

(a) * * *

* * * * * * *

(e) EXPIRATION OF AUTHORITY.—The authority under this section shall expire on [September 30, 2005] *December 31, 2005*.

* * * * * * *

CHAPTER 75—DECEASED PERSONNEL

* * * * * * *

SUBCHAPTER II—DEATH BENEFITS

* * * * * * *

§ 1478. Death gratuity: amount

(a) The death gratuity payable under sections 1475 through 1477 of this title shall be [$12,000 (as adjusted under subsection (c))] *$100,000*. For this purpose:

(1) * * *

* * * * * * *

[(c) Effective on the date on which rates of basic pay under section 204 of title 37 are increased under section 1009 of that title

or any other provision of law, the amount of the death gratuity in effect under subsection (a) shall be increased by the same overall average percentage of the increase in the rates of basic pay taking effect on that date.]

* * * * * * *

CONSOLIDATED APPROPRIATIONS ACT, 2005

(Public Law 108–447)

* * * * * * *

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

* * * * * * *

TITLE III—THE JUDICIARY

* * * * * * *

SEC. 308. For fiscal year 2005 and hereafter, such fees as shall be collected for the processing of violations through the Central Violations Bureau cases as prescribed by the Judicial Conference of the United States shall be deposited [to the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" appropriation to be used for salaries and other expenses.] *as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.*

* * * * * * *

TITLE VI—GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

* * * * * * *

SEC. 619. (a) For additional amounts under the heading "Small Business Administration, Salaries and Expenses", $500,000 shall be available for the Adelante Development Center, Inc.; $150,000 shall be available for the Advanced Polymer Processing Institute; $150,000 shall be available for the Alaska Procurement Technical Assistance Center; $250,000 shall be available for Business and Professional Women of Alaska; $75,000 shall be available for the Center for Applied Research and Economic Development at the University of Southern Indiana; $300,000 shall be available for the Center for Emerging Technologies; $225,000 shall be available for the Center for Entrepreneurship and Technology at the Nevada Commission for Economic Development; $100,000 shall be available for the Central Connecticut State University Institute of Technology and Business Development; $600,000 shall be available for the Des Moines Higher Education Pappajohn Center; $150,000 shall be available for the East Central Indiana Business Incubator

at Ball State University; $100,000 shall be available for the Entrepreneurial Venture Assistance Demonstration Project at the Iowa Department of Economic Development; $75,000 shall be available for the Idaho Virtual Incubator at Lewis-Clark State College for an E-Commerce Certification program; $600,000 shall be available for the Industrial Outreach Service at Mississippi State University; $2,000,000 shall be available for the Innovation and Commercialization Center at the University of Southern Mississippi; $100,000 shall be available for the Kennebec Valley Council of Governments' Business Development Program; $100,000 shall be available for the Knoxville College Small Business Incubator Program; $250,000 shall be available for the Louisiana State University Law School's Latin American Commercial Law Program; $250,000 shall be available for the Minority Business Development Center at Alcorn State University; $600,000 shall be available for the Mississippi Technology Alliance; $200,000 shall be available for the Montana Department of Commerce for a State government information sharing initiative; $125,000 shall be available for the Myrtle Beach International Trade and Convention Center; $250,000 shall be available for the Nanotechnology Research Program at the Oregon Health and Science University; $550,000 shall be available for the New Product Development and Commercialization Center for Rural Manufacturers; $125,000 shall be available for the New Hampshire Women's Business Center; $500,000 shall be available for Operation Safe Commerce; $200,000 shall be available for the Southern University Foundation's Martin Luther King Initiative; $75,000 shall be available for Technology 2020; $1,000,000 shall be available for the Technology Venture Center/InvestNet Partnership for Alaska and Montana; $500,000 shall be available for the Textile Marking System; $300,000 shall be available for the Towson University International Business Incubator; $1,000,000 shall be available for the Tuck School of Business/MBDA Partnership; $325,000 shall be available for the University of Colorado Nanotechnology and Characterization Facility; $8,000,000 shall be available for the University of South Carolina Thomas Cooper Library; $100,000 shall be available for the Virginia Electronic Commerce Technology Center at Christopher Newport University; $125,000 shall be available for the Women's Business Development Center in Stamford, Connecticut; and $100,000 shall be available for the World Trade Center of Greater Philadelphia; $50,000 shall be available for a grant to the Center for Excellence in Education; $100,000 shall be available for a grant to The Cedar Creek Battlefield Foundation; $100,000 shall be available for a grant to Belle Grove Plantation; $150,000 shall be available for a grant to the City of Manassas Park for economic development; $100,000 shall be available for a grant to the Shenandoah Valley Travel Association; $1,200,000 shall be available for a grant to Shenandoah University to develop a facility for a business program; $115,000 shall be available for a grant to Economic Alliance Houston Port Region; $20,000 shall be available for a grant to the Town of South Boston, Virginia, for small business development; $100,000 shall be available for a grant to Patrick Henry Community College for a workforce training program; $100,000 shall be available for a grant for Danville Community College for a workforce training program; $1,000,000 shall be available for a grant to the University of Illinois for the Informa-

tion Trust Institute initiative; $500,000 shall be available for a grant to Wittenberg University for a technology initiative; $500,000 shall be available for a grant to the Dayton Development Coalition; $250,000 shall be available for a grant for REI Rural Business Resources Center in Seminole, Oklahoma; $50,000 shall be available for a grant to Experience Works to expand opportunities for older workers; $50,000 shall be available for a grant to Project Listo for workforce development and procurement opportunities; $100,000 shall be available for a grant to North Iowa Area Community College for a small business incubator; $450,000 shall be available for a grant to California State University, in San Bernardino, California, for development of the Center for the Commercialization of Advanced Technology; $50,000 shall be available for a grant to Rowan University for a workforce training program; $200,000 shall be available for a grant to the Freeport Downtown Development Foundation for a small business economic development initiative; $1,500,000 shall be available for a grant to the Rockford Area Convention and Visitors Bureau for a manufacturing program; $200,000 shall be available for a grant to Jefferson County Development Council; $200,000 shall be available for a grant to Clearfield County Economic Development Corporation; $500,000 shall be available for a grant to the Columbus College of Art and Design for facilities development to build partnerships with businesses; $115,000 shall be available for a grant to Ohio Business Connection; $1,000,000 shall be available for a grant to the Southern and Eastern Kentucky Tourism Development Association; $500,000 shall be available for a grant to the Bridgeport Regional Business Council for an economic integration initiative; $100,000 shall be available for a grant to Cedarbridge Development Corporation for a redevelopment initiative; $900,000 shall be available for a grant to Western Carolina University for a computer engineering program; $100,000 shall be available for a grant to [Asheville-Buncombe Technical Community College] *the International Small Business Institute* for an economic development initiative; $100,000 shall be available for a grant to Jubilee Homes for the Southwest Economic Business Resource Center; $400,000 shall be available for a grant for the Connect the Valley initiative; $400,000 shall be available for a grant to the University of Tennessee Corridor Initiative; $500,000 shall be available for a grant to the Illinois Institute for Technology to examine and assess advancements in biotechnologies; $250,000 shall be available for a grant to the City of Largo, Florida, for business information; $250,000 shall be available for a grant to Pro Co Technology, Inc., in the Bronx, New York, for a computer training center; $50,000 shall be available for a grant for the Promesa Foundation in the Bronx, New York, to provide community growth funding; $200,000 shall be available for a grant to Bronx Shepherds for community programs; $150,000 shall be available for a grant to HOGAR, Inc., in the Bronx, New York; $200,000 shall be available for a grant to Promesa Enterprises to provide services and support to community based organizations in the Bronx, New York; $200,000 for the Arthur Avenue Retail Market in the Bronx, New York, for facility, improvement, and maintenance needs to meet the Market's business requirements; $200,000 shall be available for a grant to Pregones Theater in the Bronx, New York, for business infrastructure; $200,000 shall

be available for a grant to Presbyterian Senior Services for their Grandparent Family Apartments project and programs in the Bronx, New York; $100,000 shall be available for a grant to Thorpe Family Residence, Inc., to continue its services and programs in the Bronx, New York; $100,000 shall be available for a grant to the Puerto Rican Traveling Theater in the Bronx, New York, for outreach and programs; $100,000 shall be available for Casita Maria's Career and College Placement Preparation to be implemented in coordination with business partners in New York City; $1,100,000 shall be available for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for outreach and promotion, business and sites development, the education of artists and craftspeople, and to promote small businesses, artisans and their products through market development, advertisement, commercial sale and other promotional means; $1,000,000 shall be available for a grant for Northwest Shoals Community College to complete the Center for Business and Industry; $1,000,000 shall be available for the Rhode Island School of Design in Providence, Rhode Island**[**, for the continued modernization of the Mason Building**]**; $1,000,000 shall be available for a grant to the Norwegian American Foundation to fulfill its charter purposes; $750,000 shall be available for a grant to St. Mary's College for a telecommunications initiative; $400,000 shall be available for a grant to the Economic Growth Council Procurement Assistance Program; $500,000 shall be available for a grant to Johnstown Area Regional Industries in Pennsylvania for an enhanced economic development initiative; $300,000 shall be available for a grant to the Good Old Lower East Side organization for a small business economic development initiative for the Lower East Side, New York; $200,000 shall be available for a grant for the Sunnyside Chamber of Commerce to conduct a redevelopment study for Sunnyside, Queens, New York, and to implement improvements.

* * * * * * *

DIVISION C—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

* * * * * * *

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $1,959,101,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the United States Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided,* That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2003, and September 30, 2004: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to continue maintenance dredging of the Federal channel: *Provided further,* That the Secretary shall make suitable material excavated from the Bodega Bay Harbor, California, disposal site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: *Provided further,* That using $175,000 provided herein, the Secretary of the Army, acting through the Chief of Engineers is authorized to remove the sunken

vessel *State of Pennsylvania* from the Christina River in Delaware: *Provided further,* That the Corps of Engineers shall not allocate any funds to deposit dredged material along the Laguna Madre portion of the Gulf Intracoastal Waterway except at the placement areas specified in the Dredged Material Management Plan in section 2.11 of the Final Environmental Impact Statement for Maintenance Dredging of the Gulf Intracoastal Waterway, Laguna Madre, Texas, Nueces, Kleberg, Kenedy, Willacy, and Cameron Counties, Texas, prepared by the Corps of Engineers dated September 2003: *Provided further,* That nothing in the above proviso shall prevent the Corps of Engineers from performing necessary maintenance operations along the Gulf Intracoastal Waterway if the following conditions are met: if the Corps proposes to use any placement areas that are not currently specified in the Dredged Material Management Plan and failure to use such alternative placement areas will result in the closure of any segment of the Gulf Intracoastal Waterway, then such proposal shall be analyzed in an Environmental Impact Statement (EIS) and comply with all other applicable requirements of the National Environmental Policy Act, 42 U.S.C. 4321 et seq., and all other applicable State and Federal laws, including the Clean Water Act, 33 U.S.C. 1251 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.: *Provided further,* That, of the funds made available, $7,000,000 is to be used to perform work authorized in section 136 of Public Law [108–357] *108–137*.

* * * * * * *

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Beginning in fiscal year 2005 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control, Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements [per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year, except that for environmental infrastructure projects, the $10,000,000 limitation shall apply to each State wherein such projects are undertaken.] *for all applicable programs and projects not to exceed $80,000,000 in each fiscal year.*

* * * * * * *

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

* * * * * * *

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $859,481,000, to remain available until expended, of which $53,299,000 shall be available for transfer to the Upper Colorado River Basin Fund and $33,794,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided further,* That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further,* That of the total appropriated, the amount for program activities can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further,* That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further,* That $250,000 is provided under the Weber Basin project for the Park City, Utah feasibility study: *Provided further,* That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further,* That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis*: Provided further, That $4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554).*

* * * * * * *

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

* * * * * * *

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $346,000,000, *to be derived from the Nuclear Waste Fund and* to remain available until expended: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further,* That $8,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, [to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act] *to participate in licensing activities and other appropriate activities pursuant to the Act*: *Provided further,* That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further,* That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further,* That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further,* That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further,* That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

* * * * * * *

DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

* * * * * * *

TITLE V—GENERAL PROVISIONS

* * * * * * *

WEST BANK AND GAZA PROGRAM

SEC. 559. (a) * * *

* * * * * * *

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading "Economic Support Fund". The audit shall address—

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

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

* * * * * * *

DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

* * * * * * *

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * * * *

SEC. 144. (a) * * *

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION, BUREAU OF LAND MANAGEMENT LAND, CLARK COUNTY, NEVADA.—

(1) * * *

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the approximately 150 acres of Bureau of Land Management land in Clark County, Nevada, as generally depicted on the map entitled "Veterans Administration Conveyance" and dated [September 24, 2004] *November 12, 2004*.

* * * * * * *

DIVISION H—TRANSPORTATION, TREASURY, INDEPENDENT AGENCIES, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2005

TITLE I

DEPARTMENT OF TRANSPORTATION

* * * * * * *

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

* * * * * * *

SEC. 198. For the purpose of any applicable law *under title 23 of the United States Code*, for fiscal years 2004 and 2005, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City urbanized area.

* * * * * * *

DIVISION I—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

* * * * * * *

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

* * * * * * *

SEC. 114. None of the funds made available to the Department in this Act, or any other Act, may be used to implement sections 2 and 5 of Public Law 107–287 *and section 303 of Public Law 108–422*.

* * * * * * *

SEC. 117. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) [that are deposited into the Medical Care Collections Fund may be transferred and merged with] *may be deposited into the* "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

* * * * * * *

TITLE III—INDEPENDENT AGENCIES

* * * * * * *

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $545,884,000, to remain available until September 30, 2006: *Provided,* That not more than $290,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act): *Provided further,* That not less than $144,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $3,900,000 shall be available to support national service scholarships for high school students performing community

service, and of which $13,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further,* That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further,* That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That not more than $13,334,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $4,000,000 shall be available for challenge grants to non-profit organizations: *Provided further,* That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further,* That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further,* That $25,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further,* That $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further,* That $3,550,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further,* That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further,* That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further,* That $4,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: *Provided further,* That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total

Federal costs per participant in all programs*: Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers*.

* * * * * * *

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

(Division B of Public Law 108–199)

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

AN ACT Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

* * * * * * *

TITLE VI—GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

* * * * * * *

SEC. 621. For additional amounts under the heading "Small Business Administration, Salaries and Expenses", $1,592,000 shall be available for the Advanced and Applied Polymer Processing Institute; $500,000 shall be available for Northeast South Dakota Tech-Based Skills Development; $750,000 shall be available for the Southern Methodist University Law School Rule of Law; $1,000,000 shall be available for the Accelerated Entrepreneur "AcE" Program; $500,000 shall be available for the National Mass Fatalities Institute; $1,000,000 shall be available for the Textile Tracers Program; $500,000 shall be available for the Maryland Technology-Based Rural Business Incubation Initiative; $1,000,000 shall be available for the Northeast Indiana Innovation Center; $750,000 shall be available for the Lewis and Clark Bicentennial Bi-State Safety Project; $1,000,000 shall be available for the Greenville Automotive Research Park; $1,000,000 shall be available for the Indiana University Kokomo Business Incubator; $1,593,000 shall be available for the Tuck School of Business for its partnership with the Minority Business Development Administration; $500,000 shall be available for Project Restore; $325,000 shall be available for the School of the Building Arts Trade Program; $500,000 shall be available for the South Carolina Export Consortium; $500,000 shall be available for the Freewoods Farm Living Farm Museum in Horry County, South Carolina; $1,590,000 shall be available for the Alaska InvestNet/Technology Venture Center and Tech Ranch in Montana; $1,000,000 shall be available for

Youth and Family with Promises; $500,000 shall be available for the Wisconsin Procurement Institute; $1,000,000 shall be available for the Next Generation Economy Initiative; $1,000,000 shall be available for the Westside Intercept Project; $250,000 shall be available for the International Trade Data Network; $1,000,000 shall be available for the University of Missouri-St. Louis Information Technology Incubator Project; $750,000 shall be available for the Idaho Virtual Incubator/Lewis-Clark State College; $850,000 shall be available for the UNI Student Business Incubator; $1,500,000 shall be available for the promotion and operation of the grant to the Adelante Development Center, Inc., in Albuquerque, New Mexico; $250,000 shall be available for the Mississippi Delta Technology Council; $2,250,000 shall be available for a grant to the Virginia Community College System (VCCS) for improvement of distance learning programs; $175,000 shall be available for a grant to the Loudoun Convention and Visitors Association in Virginia; $100,000 shall be available for a grant to The Cedar Creek Battlefield Foundation; $100,000 shall be available for a grant to Belle Grove Plantation; $750,000 shall be available for a grant to Shenandoah University to develop a historical and tourism development facility; $1,000,000 shall be available for a grant to the Northern Virginia Technology Council for a technology entrepreneurship development and resource center; $100,000 shall be available for a grant to the Washington Airports Task Force to promote small business growth [of passenger, cargo and other aviation services]; $100,000 shall be available for a grant to Team Northeast Ohio; $500,000 shall be available for a grant to Wilberforce University for a technology initiative; $250,000 shall be available for a grant for REI Rural Business Resources Center in Seminole, Oklahoma; $1,100,000 shall be available for a grant to Iowa State University for the development of a research park biologics facility; $200,000 shall be available for a grant to the Clarion County Economic Development Corporation; $200,000 shall be available for a grant to the Venango Economic Development Corporation; $900,000 shall be available for a grant to the Illinois Institute of Technology to examine and assess advancements in biotechnologies; $1,000,000 shall be available for the Illinois Coalition for technology development assistance activities; $200,000 shall be available for a grant for the Port of Benton for the planning of a science and technology park in Richland, Washington; $1,500,000 shall be available for a grant to Rockford Area Ventures, Rockford, Illinois, to establish a small manufacturing business incubator and technology research and development center; $100,000 shall be available for a grant to Western Kentucky University for a business incubator; $200,000 shall be available for a grant for the Chicago Field Museum for a collections resource center; $100,000 shall be available for a grant for the Purdue University School of Pharmacy for the development of a national center for pharmaceutical technology; $100,000 shall be available for a grant to the Cedarbridge Development Urban Renewal Corporation for facilities development; $100,000 shall be available for a grant for Concourse Village in the Bronx, New York; $500,000 shall be available for a grant to Pro Co Technology Computer Training Center in the Bronx, New York, for a computer learning center; $200,000 shall be available for a grant for the Promesa Foundation in South Bronx, New York, to provide commu-

nity growth funding; $560,000 shall be available for a grant to Bronx Shepherds for a community resource center; $200,000 shall be available for a grant to HOGAR, Inc., in the Bronx, New York; $100,000 shall be available for a grant to the Alliance for Community Services for economic development in the Bronx, New York; $300,000 shall be available for a grant to Promesa Enterprises to provide services and support to community based organizations in the Bronx, New York; $300,000 shall be available for a grant to Bronx Overall Economic Development Corporation for technical assistance opportunities for businesses; $250,000 shall be available for a grant to St. Mary's College for a telecommunications initiative; $1,200,000 shall be available for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for outreach and promotion, business and sites development, the education of artists and craftspeople, and to promote small businesses, artisans and their products through market development, advertisement, commercial sale and other promotional means; $100,000 shall be available for the Providence, Rhode Island Center for Women and Enterprise for small business development programs and infrastructure development; $900,000 shall be available for the Rhode Island School of Design in Providence, Rhode Island**[**, for the continued modernization of the Mason Building**]**; $1,200,000 shall be available for a grant for Northwest Shoals Community College to establish a Center for Business and Industry; $950,000 shall be available for a grant to the Family and Children's Service in Minneapolis, Minnesota for community support and development programs; $1,000,000 shall be available for a grant to the Wisconsin Procurement Institute to develop an electronic based system to provide access and opportunity to Federal funding; $200,000 shall be for a grant to the National Association of Development Organizations Research Foundation to provide training and education assistance to small business development finance professionals; $750,000 shall be for a grant to the North Carolina Rural Economic Development Center for expenses and activities in support of the Capital Access Program; $500,000 shall be for a grant for the Women's Initiative for Self Employment in San Francisco, California; $400,000 shall be for a grant to Johnstown Area Regional Industries in Pennsylvania for workforce development training programs and Small Business Technology Centers; $400,000 shall be for a grant to Seton Hill University for expenses in support of the Virtual Entrepreneurial Center; $200,000 shall be for a grant to the Economic Growth Connection Paperless Procurement Program for the purpose of conducting the program and providing financial assistance; $200,000 shall be for a grant for the Ridgewood Myrtle Avenue Business Improvement District to conduct a redevelopment study and to implement improvements; $400,000 shall be for a grant to Progress, Inc., to establish a Community Technology Center; $150,000 shall be for a grant for UPROSE for the "Sunset Youth Industries" project; $415,000 shall be available for a grant to the Southern and Eastern Kentucky Tourism Development Association for continuation of a regional tourism promotion initiative; and $300,000 shall be for the Arthur Avenue Retail Market in the Bronx, New York, for facility, improvement, and maintenance needs to meet the Market's business requirements: *Provided,* That section 625 of title I of division

B of Public Law 108–7 is amended with respect to a grant of: (1) $450,000 to the Bronx Council on the Arts by striking "help promote stabilization of small arts organizations" and inserting "provide financial assistance to small arts organizations to help promote stabilization"; and (2) $500,000 to the City of Merrill, Wisconsin by striking all that follows after "Wisconsin" and inserting "for the capitalization of a business development fund.".

* * * * * * *

SECTION 307 OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 307. WITHHOLDING OF UNITED STATES PROPORTIONATE SHARE FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.—(a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this chapter shall be available for the United States proportionate share for programs for Burma, **[**Iraq,**]** North Korea, Syria, Libya, Iran, Cuba, or the Palestine Liberation Organization or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it or at the discretion of the President, Communist countries listed in section 620(f) of this Act.

* * * * * * *

TITLE 38, UNITED STATES CODE

* * * * * * *

PART II—GENERAL BENEFITS

* * * * * * *

CHAPTER 17—HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

* * * * * * *

§ 1703. Contracts for hospital care and medical services in non-Department facilities

(a) * * *

* * * * * * *

(d)(1) * * *

(2) Amounts collected, by setoff or otherwise, as the result of an audit under the program conducted under this subsection **[**shall be available for the purposes**]** *shall be available, without fiscal limitation, for the purposes* for which funds are currently available to the Secretary for medical care and for payment to a contractor of a percentage of the amount collected as a result of an audit carried out by the contractor.

* * * * * * *

CHAPTER 19—INSURANCE

* * * * * * *

SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE

* * * * * * *

§ 1967. Persons insured; amount

(a)(1) * * *

* * * * * * *

(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

(i) In the case of a member, **[**$250,000**]** *$400,000 or such lesser amount as the member may elect in increments of $50,000*.

* * * * * * *

(B)*(i)* A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a **[**member or spouse**]** *member, be evenly divisible by $50,000 and, in the case of a member's spouse*, be evenly divisible by $10,000.

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

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

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

(iii) Whenever a member who is not married elects not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.

(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member *as applicable to such member under subparagraph (A)(i)*.

* * * * * * *

(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount **[**of $250,000**]** *in effect under subsection (a)(3)(A)(i)*, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

(1) * * *

* * * * * * *

§ 1977. Veterans' Group Life Insurance

(a)(1) Veterans' Group Life Insurance shall be issued in the amounts specified in section 1967(a) of this title. In the case of any individual, the amount of Veterans' Group Life Insurance may not exceed the amount of Servicemembers' Group Life Insurance coverage continued in force after the expiration of the period of duty or travel under section 1967(b) or 1968(a) of this title. No person may carry a combined amount of Servicemembers' Group Life Insurance and Veterans' Group Life Insurance in excess of **[**$250,000**]** *$400,000* at any one time.

(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $250,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed **[**$250,000**]** *$400,000*.

* * * * * * *

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

(Public Law 108–335)

* * * * * * *

TITLE III—GENERAL PROVISIONS

* * * * * * *

SEC. 331. The amount appropriated by this Act may be increased by no more than **[**$15,000,000**]** *$42,000,000, to remain available until expended,* from funds identified in the comprehensive annual financial report as the District's fiscal year 2004 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) * * *

* * * * * * *

[(5) The amounts may be obligated and expended only if approved by the Committees on Appropriations of the House of Representatives and Senate in advance of any obligation or expenditure.**]**

(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

* * * * * * *

SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

(1) $174,927,000 (including $34,927,000 from local funds, and $140,000,000 from other funds) shall be transferred under

the heading "Government Direction and Support": Provided, That of the funds, $33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15-717, the Ballpark Omnibus Financing and Revenue Act of 2004 approved by the District of Columbia, December 29, 2004, and

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

(3) $14,000,000 from other funds shall be transferred under the heading "Sports and Entertainment Commission", and

(4) $2,809,000 from other funds shall be transferred under the heading "Water and Sewer Authority".

* * * * * * *

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NUMBER: 1

DATE: March 8, 2005

MEASURE: Emergency Supplemental Appropriations Bill, FY 2005

MOTION BY: Mr. Jackson

DESCRIPTION OF MOTION: To provide an additional $62,000,000 for International Disaster and Famine Assistance, to provide an additional $38,000,000 for Migration and Refugee Assistance, and to provide an additional $150,000,000 for Public Law 480 Title II Grants, designated as emergency spending.

Results: Rejected 30 Yeas 33 Nays

Members Voting Yea	Members Voting Nay
Mr. Berry	Mr. Alexander
Mr. Bishop	Mr. Bonilla
Mr. Boyd	Mr. Carter
Mr. Clyburn	Mr. Crenshaw
Mr. Cramer	Mr. Culberson
Ms. DeLauro	Mr. Doolittle
Mr. Dicks	Mrs. Emerson
Mr. Edwards	Mr. Frelinghuysen
Mr. Farr	Mr. Goode
Mr. Fattah	Ms. Granger
Mr. Hinchey	Mr. Hobson
Mr. Hoyer	Mr. Istook
Mr. Jackson	Mr. Kingston
Ms. Kaptur	Mr. Kirk
Mr. Kennedy	Mr. Knollenberg
Ms. Kilpatrick	Mr. Kolbe
Mrs. Lowey	Mr. LaHood
Mr. Mollohan	Mr. Latham
Mr. Moran	Mr. Lewis
Mr. Murtha	Mrs. Northup
Mr. Obey	Mr. Peterson
Mr. Olver	Mr. Regula
Mr. Pastor	Mr. Rehberg
Mr. Price	Mr. Rogers
Mr. Rothman	Mr. Simpson
Ms. Roybal-Allard	Mr. Sweeney
Mr. Sabo	Mr. Taylor
Mr. Serrano	Mr. Tiahrt
Mr. Visclosky	Mr. Walsh
Mr. Wolf	Mr. Wamp
	Dr. Weldon
	Mr. Wicker
	Mr. Young

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NUMBER: 2

DATE: March 8, 2005

MEASURE: Emergency Supplemental Appropriations Bill, FY 2005

MOTION BY: Mr. Jackson

DESCRIPTION OF MOTION: To provide an additional $150,000,000 for Public Law 480 Title II Grants, designated as emergency spending.

Results: Adopted 32 Yeas 31 Nays

Members Voting Yea	Members Voting Nay
Mr. Berry	Mr. Alexander
Mr. Bishop	Mr. Bonilla
Mr. Boyd	Mr. Carter
Mr. Clyburn	Mr. Crenshaw
Mr. Cramer	Mr. Culberson
Ms. DeLauro	Mr. Doolittle
Mr. Dicks	Mr. Frelinghuysen
Mr. Edwards	Mr. Goode
Mrs. Emerson	Ms. Granger
Mr. Farr	Mr. Hobson
Mr. Fattah	Mr. Istook
Mr. Hinchey	Mr. Kingston
Mr. Hoyer	Mr. Kirk
Mr. Jackson	Mr. Knollenberg
Ms. Kaptur	Mr. Kolbe
Mr. Kennedy	Mr. LaHood
Ms. Kilpatrick	Mr. Latham
Mrs. Lowey	Mr. Lewis
Mr. Mollohan	Mrs. Northup
Mr. Moran	Mr. Peterson
Mr. Murtha	Mr. Regula
Mr. Obey	Mr. Rehberg
Mr. Olver	Mr. Rogers
Mr. Pastor	Mr. Simpson
Mr. Price	Mr. Sweeney
Mr. Rothman	Mr. Taylor
Ms. Roybal-Allard	Mr. Walsh
Mr. Sabo	Mr. Wamp
Mr. Serrano	Dr. Weldon
Mr. Tiahrt	Mr. Wicker
Mr. Visclosky	Mr. Young
Mr. Wolf	

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NUMBER: 3

DATE: March 8, 2005

MEASURE: Emergency Supplemental Appropriations Bill, FY 2005

MOTION BY: Mr. Obey

DESCRIPTION OF MOTION: To establish a select committee of the House of Representatives to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Results: Rejected 25 Yeas 39 Nays

Members Voting Yea	Members Voting Nay
Mr. Berry	Mr. Alexander
Mr. Bishop	Mr. Bonilla
Mr. Boyd	Mr. Carter
Mr. Clyburn	Mr. Cramer
Ms. DeLauro	Mr. Crenshaw
Mr. Dicks	Mr. Culberson
Mr. Edwards	Mr. Cunningham
Mr. Farr	Mr. Doolittle
Mr. Fattah	Mrs. Emerson
Mr. Hinchey	Mr. Frelinghuysen
Mr. Hoyer	Mr. Goode
Mr. Jackson	Ms. Granger
Ms. Kaptur	Mr. Hobson
Mr. Kennedy	Mr. Istook
Ms. Kilpatrick	Mr. Kingston
Mr. Moran	Mr. Kirk
Mr. Obey	Mr. Knollenberg
Mr. Olver	Mr. Kolbe
Mr. Pastor	Mr. LaHood
Mr. Price	Mr. Latham
Mr. Rothman	Mr. Lewis
Ms. Roybal-Allard	Mrs. Lowey
Mr. Sabo	Mr. Mollohan
Mr. Serrano	Mr. Murtha
Mr. Visclosky	Mrs. Northup
	Mr. Peterson
	Mr. Regula
	Mr. Rehberg
	Mr. Rogers
	Mr. Simpson
	Mr. Sweeney
	Mr. Taylor
	Mr. Tiahrt
	Mr. Walsh
	Mr. Wamp
	Dr. Weldon
	Mr. Wicker
	Mr. Wolf
	Mr. Young

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NUMBER: 4

DATE: March 8, 2005

MEASURE: Emergency Supplemental Appropriations Bill, FY 2005

MOTION BY: Ms. DeLauro

DESCRIPTION OF MOTION: To increase Department of Defense funding to contract with private mental health providers for counseling for returning service members and to provide an additional $238,000,000 to the Department of Veterans Affairs for a post-deployment mental health initiative, designated as emergency spending.

Results: Rejected 29 Yeas 34 Nays

Members Voting Yea	Members Voting Nay
Mr. Berry	Mr. Alexander
Mr. Bishop	Mr. Bonilla
Mr. Boyd	Mr. Carter
Mr. Clyburn	Mr. Crenshaw
Mr. Cramer	Mr. Culberson
Ms. DeLauro	Mr. Cunningham
Mr. Dicks	Mr. Doolittle
Mr. Edwards	Mrs. Emerson
Mr. Farr	Mr. Frelinghuysen
Mr. Fattah	Mr. Goode
Mr. Hinchey	Ms. Granger
Mr. Hoyer	Mr. Hobson
Mr. Jackson	Mr. Istook
Ms. Kaptur	Mr. Kingston
Mr. Kennedy	Mr. Kirk
Ms. Kilpatrick	Mr. Knollenberg
Mrs. Lowey	Mr. Kolbe
Mr. Mollohan	Mr. LaHood
Mr. Moran	Mr. Latham
Mr. Murtha	Mr. Lewis
Mr. Obey	Mrs. Northup
Mr. Olver	Mr. Peterson
Mr. Pastor	Mr. Regula
Mr. Price	Mr. Rehberg
Mr. Rothman	Mr. Rogers
Ms. Roybal-Allard	Mr. Sherwood
Mr. Sabo	Mr. Simpson
Mr. Serrano	Mr. Sweeney
Mr. Visclosky	Mr. Taylor
	Mr. Walsh
	Mr. Wamp
	Mr. Wicker
	Mr. Wolf
	Mr. Young

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS
RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, TSUNAMI, 2005			
TITLE I - DEFENSE-RELATED APPROPRIATIONS			
CHAPTER 1			
DEPARTMENT OF DEFENSE			
Military Personnel			
Military Personnel, Army (emergency)	11,756,842	11,779,642	+22,800
Military Personnel, Navy (emergency)	524,980	534,080	+9,100
Military Personnel, Marine Corps (emergency)	1,246,126	1,251,726	+5,600
Military Personnel, Air Force (emergency)	1,316,572	1,473,472	+156,900
Reserve Personnel, Army (emergency)	39,627	40,327	+700
Reserve Personnel, Navy (emergency)	9,411	11,111	+1,700
Reserve Personnel, Marine Corps (emergency)	4,015	4,115	+100
Reserve Personnel, Air Force (emergency)	130	130	---
National Guard Personnel, Army (emergency)	429,200	430,300	+1,100
National Guard Personnel, Air Force (emergency)	91	91	---
Subtotal, Military personnel	15,326,994	15,524,994	+198,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS
RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	17,201,004	17,366,004	+165,000
Operation and Maintenance, Navy (emergency)	3,423,501	3,030,801	-392,700
Operation and Maintenance, Marine Corps (emergency)	970,464	982,464	+12,000
Operation and Maintenance, Air Force (emergency)	5,601,510	5,769,450	+167,940
Operation and Maintenance, Defense-Wide (emergency)	3,521,327	3,061,300	-460,027
Operation and Maintenance, Army Reserve (emergency)	8,154	8,154	---
Operation and Maintenance, Navy Reserve (emergency)	75,164	75,164	---
Operation and Maintenance, Marine Corps Reserve (emergency)	24,920	24,920	---
Operation and Maintenance, Army National Guard (emergency)	188,779	188,779	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	10,000	10,000	---
Afghanistan Security Forces Fund (emergency)	1,285,000	1,285,000	---
Iraq Security Forces Fund (emergency)	5,700,000	5,700,000	---
Subtotal, Operation and maintenance	38,009,823	37,502,036	-507,787

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Procurement			
Aircraft Procurement, Army (emergency)	458,677	458,677	---
Missile Procurement, Army (emergency)	294,036	340,536	+46,500
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	2,425,207	2,678,747	+253,540
Procurement of Ammunition, Army (emergency)	475,000	532,800	+57,800
Other Procurement, Army (emergency)	5,316,405	6,549,905	+1,233,500
Aircraft Procurement, Navy (emergency)	200,295	200,295	---
Weapons Procurement, Navy (emergency)	71,600	71,600	---
Procurement of Ammunition, Navy and Marine Corps (emergency)	133,635	141,735	+8,100
Other Procurement, Navy (emergency)	85,672	78,372	-7,300
Procurement, Marine Corps (emergency)	2,974,045	3,588,495	+614,450
Aircraft Procurement, Air Force (emergency)	269,241	279,241	+10,000
Procurement of Ammunition, Air Force (emergency)	6,998	6,998	---
Other Procurement, Air Force (emergency)	2,834,328	2,658,527	-175,801
Procurement, Defense-Wide (emergency)	591,327	646,327	+55,000
Subtotal, Procurement	16,136,466	18,232,255	+2,095,789
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army (emergency)	25,170	25,170	---
Research, Development, Test and Evaluation, Navy (emergency)	179,051	202,051	+23,000
Research, Development, Test and Evaluation, Air Force (emergency)	102,540	121,500	+18,960

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Research, Development, Test and Evaluation, Defense-Wide (emergency)	153,561	159,600	+6,039
Subtotal, RDT&E	460,322	508,321	+47,999
Revolving And Management Funds			
Defense Working Capital Funds (emergency)	1,311,300	1,411,300	+100,000
National Defense Sealift Fund (emergency)	32,400	32,400	---
Subtotal, Revolving and management funds	1,343,700	1,443,700	+100,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Other Department of Defense Programs			
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	257,000	257,000	---
Office of the Inspector General (emergency)	148	148	---
Subtotal, Other DoD programs	257,148	257,148	---
Related Agencies			
Intelligence Community Management Account (emergency)	250,300	250,300	---
General Provisions			
Additional transfer authority (emergency)	(2,500,000)	(2,000,000)	(-500,000)
New transfer authority (emergency)	(5,000,000)	(2,000,000)	(-3,000,000)
Defense Cooperation Account (emergency)	12,000	12,000	---
Total, Chapter 1	71,796,753	73,730,754	+1,934,001

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS
RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 2			
DEPARTMENT OF DEFENSE			
Military Construction, Army (emergency)	990,100	930,100	-60,000
Military Construction, Navy and Marine Corps (emergency)	107,380	92,720	-14,660
Military Construction, Air Force (emergency)	301,520	301,386	-134
Military Personnel, Army (emergency)	1,542,100	1,542,100	---
Operation and Maintenance, Army (emergency)	66,300	66,300	---
Defense Health Program (emergency)	175,550	175,550	---
Total, Chapter 2	3,182,950	3,108,156	-74,794
Total, Title I	74,979,703	76,838,910	+1,859,207

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
TITLE II - INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR			
CHAPTER 1			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
United States Agency For International Development			
International Disaster and Famine Assistance (emergency)	44,000	44,000	---
Transition Initiatives (emergency)	63,000	---	-63,000
Operating Expenses of the USAID (emergency)	24,400	24,400	---
Operating Expenses of the USAID Office of Inspector General (emergency)	2,500	2,500	---
Subtotal, USAID	133,900	70,900	-63,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Other Bilateral Economic Assistance			
Economic Support Fund (emergency)	1,631,300	1,061,200	-570,100
Assistance for the Independent States of the Former Soviet Union (emergency)	60,000	33,700	-26,300
Global War On Terror Partners Fund (emergency)	200,000	---	-200,000
Subtotal, Other bilateral assistance	1,891,300	1,094,900	-796,400
DEPARTMENT OF STATE			
International Narcotics Control and Law Enforcement (emergency)	660,000	594,000	-66,000
Migration and Refugee Assistance (emergency)	53,400	53,400	---
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)	32,100	17,100	-15,000
Subtotal, Department of State	745,500	664,500	-81,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS
RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Foreign Military Financing Program (emergency).....	250,000	250,000	---
Peacekeeping Operations (emergency).....	210,000	10,000	-200,000
Rescission of unexpended balances (rescission) (emergency).....	---	-1,000,000	-1,000,000
Subtotal, Military assistance.....	460,000	-740,000	-1,200,000
Total, Chapter 1.....	3,230,700	1,090,300	-2,140,400

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 2			
DEPARTMENT OF STATE AND RELATED AGENCY			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and Consular Programs (emergency).....	767,200	748,500	-18,700
Embassy Security, Construction, and Maintenance (emergency).....	658,000	592,000	-66,000
International Organizations			
Contributions for International Peacekeeping Activities (emergency).....	780,000	580,000	-200,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS
RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
RELATED AGENCY			
Broadcasting Board Of Governors			
International Broadcasting Operations (emergency).....	4,800	4,800	---
Broadcasting Capital Improvements (emergency).....	2,500	---	-2,500
Total, Chapter 2.....	2,212,500	1,925,300	-287,200
CHAPTER -			
DEPARTMENT OF AGRICULTURE			
Foreign Agricultural Service			
Public Law 480 Title II Grants (emergency).....	150,000	---	-150,000
Total, Title II.....	5,593,200	3,015,600	-2,577,600

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
TITLE III - DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR			
CHAPTER 1			
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Defense Nuclear Nonproliferation (emergency).....	110,000	110,000	---
CHAPTER 2			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating Expenses (emergency).....	111,950	111,950	---
Acquisition, Construction and Improvements (emergency)	49,200	49,200	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS
RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 3			
DEPARTMENT OF JUSTICE			
Federal Bureau Of Investigation			
Salaries and Expenses (emergency).....	80,000	78,970	-1,030
Drug Enforcement Administration			
Salaries and Expenses (emergency).....	7,648	7,648	---
Total, Title III.....	358,798	357,768	-1,030

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
TITLE IV - INDIAN OCEAN TSUNAMI RELIEF			
CHAPTER 1			
FUNDS APPROPRIATED TO THE PRESIDENT			
Other Bilateral Assistance			
Tsunami Recovery and Reconstruction Fund (emergency)..	701,000	656,000	-45,000
CHAPTER 2			
DEPARTMENT OF DEFENSE			
Operation And Maintenance			
Operation and Maintenance, Navy (emergency).....	124,100	124,100	---
Operation and Maintenance, Marine Corps (emergency)...	2,800	2,800	---
Operation and Maintenance, Air Force (emergency).....	30,000	30,000	---
Operation and Maintenance, Defense-Wide (emergency)...	29,150	29,150	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency).....	36,000	36,000	---
Total, Chapter 2.....	222,050	222,050	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 3			
DEPARTMENT OF DEFENSE			
Defense Health Program (emergency).....	3,600	3,600	---
CHAPTER 4			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating Expenses (emergency).....	350	350	---

ADDITIONAL VIEWS OF THE HONORABLE DAVID R. OBEY

The Administration's $75 billion FY 2005 emergency supplemental funding request for the Department of Defense's Iraq and Afghanistan operations comes in addition to $25 billion of emergency spending already provided for this year.

The Committee worked to craft a bill that will provide our troops with the equipment and support they need, including body armor, up-armored Humvees, electronic jammers, and a host of other force protection gear and equipment repair. However, the Administration's request, and to a slightly lesser degree, the Committee's bill, remains lacking in one critical area—accountability.

For example, the Department's request includes $7 billion in funding for two new accounts—the Iraq and Afghanistan security forces funds. The Department asked that no restrictions be placed on this funding and that the Secretary be given discretion to move these funds between *any* Federal accounts—not just Defense Department accounts—that he alone chooses. For this $7 billion request, the Department only provided two pages of written justification. There is no reporting requirement and no oversight provision whatsoever mentioned in their request.

The Committee has rightly restricted this request in its bill. I believe it did so because of the Committee's experience with the Administration and the Department over the past three years.

Once this supplemental is enacted, Congress will have provided this Administration with almost $300 billion for military and reconstruction efforts in Afghanistan and Iraq. These funds have been provided, by and large, in the amounts requested and for the activities proposed by the Administration. They have been supplied in a manner that allows the Administration, including the Secretary of Defense, significant flexibility to address uncertainties. Indeed, the Congress has gone beyond what I believe to be reasonable in this regard. And what has the Congress received in return?

• A rationale for going to war in Iraq—to stop Hussein from using weapons of mass destruction. However, it appears that information concerning his weapons capabilities was greatly exaggerated.

• An initial Administration estimate that Iraq reconstruction would cost between $1 and $2 billion and could be financed by Iraqi oil revenues. Yet, to date, Congress has appropriated over $20 billion for Iraq reconstruction.

• Administration claims that we would be greeted as liberators and that 6 months after the invasion we would could begin withdrawing troops. This was, of course, before the Iraqi insurgency resulted in 1,500 U.S. troop deaths, thousands injured, many more Iraqis killed, and a continuing U.S. troop deployment in Iraq of around 150,000.

• A failure to plan that has our troops still struggling to protect themselves with scrap metal body armor and deal with a myriad of other equipment shortages.

• And finally, an Administration bent on obstructing the Congress every time we seek information about the possible future costs of this war. For example, the Army tells us it will need an additional $10 to $12 billion just to refurbish equipment used in Iraq and Afghanistan.

This Committee has an obligation to ensure that U.S. policy is adequate to achieve success, is realistic, and is consistent with our values as a nation. We also have an obligation to ensure that the funds requested are adequately justified and that the Administration is accountable for their use. Yet repeatedly, when we have sought to meet our obligation, the Administration and the Department has acted as if the Congress is an ATM machine rather than a coequal branch of government whose responsibility it is to conduct proper oversight. There are a number of questions for which this Committee deserves answers.

Sections 9010 and 9012 of last year's Defense Appropriations Act called for the Department to submit reports to Congress detailing cost estimates and plans for Operations Iraqi Freedom and Enduring Freedom. These reports were due October 31st of last year and January 1st of this year. They have not been submitted. Why?

The Inspector General reported that almost $9 billion in reconstruction funding has been mishandled and poorly accounted for. What happened to this $9 billion?

At one time DoD stated that 220,000 Iraq security forces had been trained and equipped. Now the Department says only 136,000. Yet, reports from the Pentagon indicate that only a handful of these forces are truly "mission capable". What are the standards that these forces must meet achieve before they can likely perform their missions successfully? How many of these forces and units have achieved these standards? What are the goals and when will they likely be achieved?

The Army reports that it is planning to keep 120,000 troops in Iraq for the next two years. Is this the appropriate troop level to achieve U.S. objectives?

To fully and reasonably address the Department's funding needs and have an informed debate about U.S. policy in Iraq and Afghanistan, the Administration must be accountable for its activities, its claims, and its plans and associated costs. The Congress will provide every dime the troops need to do their job, but we need some straight answers so that we can do ours. This was part of my reasoning behind offering two amendments.

ACCOUNTABILITY FOR DEFENSE DEPARTMENT INTELLIGENCE OPERATIONS

My first amendment addressed the need for greater accountability from the Defense Department regarding their intelligence operations. Those closely monitoring events should be familiar with reports about the Defense Department's intelligence operation—the Office of Special Plans—that advised the Secretary of Defense and the White House about weapons of mass destruction in Iraq, how we would be welcomed as "liberators," how many troops we would

need to win the peace, and the costs of reconstruction. All of their predictions turned out not just to be wrong, but wildly off the mark and possibly purposely misleading.

Now, another equally serious problem exists. By relying on a narrow reading of the intelligence laws and related reporting procedures regarding some clandestine military operations, the Pentagon has denied the Appropriations Committee and other relevant Congressional committees the opportunity to appropriately oversee these activities. The 9/11 Commission criticized the Congress—specifically the Intelligence, Armed Services, and Appropriations committees—for failing to adequately oversee intelligence activities. Improving the reporting procedures governing sensitive clandestine military operations is essential to enhancing Congressional oversight.

The power of the purse is one of the few levers Congress has to shape U.S. policy. Without a full understanding of Executive branch intelligence activities, that power is frustrated. The intelligence committees obviously have a need to know about all covert and clandestine intelligence activities. These committees embody the necessary checks and balance on Executive branch intelligence activities. But the Appropriations Committee has a constitutional requirement to ensure that the American taxpayers' dollars are being well spent and supporting sound public policy.

The Administration has stated that they will propose changes to the current notification and reporting procedures governing these sensitive military operations, which is why I withdrew my amendment during the Committee mark-up. The Administration has an obligation to act in good faith. If they do not, Congress has an obligation to do what is necessary to carry out its Constitutional responsibilities.

ACCOUNTABILITY IN GOVERNMENT CONTRACTING

My second amendment, which was rejected, would have authorized the establishment of a select committee to investigate and study the awarding and carrying out of Government contracts to conduct activities in Afghanistan and Iraq.

At the dawn of World War II, questions were being asked about widespread stories of contractor mismanagement. At that time, Senator Harry S Truman called on the Congress to create a select committee to study and investigate procurement and manufacturing, which it did on March 1, 1941. From its creation until it expired in 1948, the Select Committee to Investigate the National Defense Program, known as the Truman Committee, held 432 public hearings and 300 executive sessions, conducted hundreds of fact-finding missions, issued 51 reports and saved the taxpayers billions of dollars. Throughout, the Committee earned high marks for its thoroughness and efficiency. It is interesting to note that the Truman Committee was authorized by a Democratic Congress to examine the conduct of a Democratic administration.

If they were serving the Congress today, Truman Committee members would hear a great deal that sounds familiar in the news about contracting in Iraq. For example:

• The Inspector General has reported that nearly $9 billion of money spent on Iraqi reconstruction is unaccounted for because of

inefficiencies and bad management. Auditors stated they were unable to verify that the Iraqi money was spent for its intended purpose. In one case, the Inspector General raised the possibility that thousands of "ghost employees" were on an unnamed ministry's payroll.

• lt has been reported in the press that whistleblowers have claimed that a government contractor defrauded the Coalition Provisional Authority of tens of millions of dollars in Iraq reconstruction funds. In one case, a firm was allegedly paid $15 million to provide security for civilian flights into Baghdad even though no planes flew during the term of the contract.

• Just recently, it was reported by the New York Times that the Pentagon awarded a contract to provide thousands of bulletproof ceramic plate inserts to, "a former Army researcher who had never mass-produced anything." According to this story, the contractor "struggled for a year, then gave up entirely." From the day the order was placed by the Pentagon, it took 167 days for troops in Iraq to begin receiving the inserts.

What is in question is how taxpayer dollars are being spent, whether taxpayers are getting their money's worth, and whether the high-quality equipment and services that America's soldiers deserve and require are being delivered. The creation of a modern-day Truman Committee would help get to the bottom of these issues. The amendment was defeated, but we believe it is the obligation of the House to reverse that action.

THE NEXT SUPPLEMENTAL

This supplemental appropriations bill will soon become law. But, before the ink of the President's signature dries, we will already have known for a fact that this Congress will be asked to provide another $60 to $80 billion in the near future. Yet, even though the Army plans on having 120,000 in Iraq in 2006, the Administration has not requested funding for Iraq and Afghanistan in the FY 2006 Department budget request and the Administration's long-range budget estimates contain no funding for these missions.

What is most disturbing is not that the Administration continues to provide the facts about Iraq to this Committee, the Congress, and the American people on the installment plan. This would not be the first administration to attempt to circumvent Congressional oversight whenever possible. What is most disturbing is that the Congress—three years, $200 billion, and 1,500 American lives later—continues to allow it to happen. Most alarming of all is that the debate over the next supplemental will likely sound identical to that surrounding this $75 billion request. The nearly nonexistent nature of Congressional oversight today will make sure of it.

DAVE OBEY.

○