

block-grant portion of the current program, in which allocations to States are determined via formula. Rather, it applies to the contingency fund, which was also authorized in 1981 "to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency." As my colleagues are aware, this money is not released according to formula but solely at the discretion of the Health and Human Services Secretary.

The LIHEAP Emergency Reform Act does four things, designed to provide clarity to States that are in the unfortunate position of suffering from an emergency, as defined in the LIHEAP statute. My legislation: gives Governors the explicit authority to apply to the HHS Secretary for the release of LIHEAP contingency funds; adds transparency to the release of emergency money by directing HHS, in cooperation with the States and Department of Energy, to put in place procedures for the equitable consideration of these applications; requires HHS to include in these procedures the consideration of regional differences in sources of energy supply for low-income households, relative energy price trends and relevant weather-related factors such as drought; and finally, directs HHS to grant States' applications within 30 days unless the Secretary certifies that an emergency, as defined in the statute, has not been demonstrated.

Since 1990, a total of \$2.67 billion in LIHEAP contingency funds have been distributed. And while there is no doubt in my mind that, in all cases, this money has helped meet the needs of low-income families across this Nation, I believe there have also been widely varying eligibility rules leading to instances in which HHS has overlooked very real energy emergencies.

In the Pacific Northwest, for example, we have over the past two years suffered from an unprecedented rise in retail energy rates, the burden of which has fallen disproportionately on low-income families. In fact, today, Washington State families at or below the 50 percent Federal poverty level spend 34 percent or more of their annual income on home energy bills. That is a huge burden, especially in view of our rising unemployment rate and the severe downturn in our economy.

Unfortunately, Northwest States have not received emergency LIHEAP funds consistent with their needs. In part, I believe this is because of the perception that our rates will, notwithstanding any increases we might suffer, always be lower, and because this money has traditionally been used to defray the costs of natural gas and home heating oil in the Midwest and Northeast.

This legislation requires HHS to consider regional factors such as the fact that home heating oil prices are not relevant to Washington State's low-income families, 77 percent of which have homes reliant on electricity.

In addition, it directs HHS to consider regional rather than absolute, price trends. This is a very important point, because, regardless of how low a State's prices might be compared to its neighbor's, a drastic run up in rates has devastating impacts when its manufacturing base, residential homes and truly its entire economy are built upon access to an affordable power supply.

In summary, LIHEAP Emergency Reform Act provides additional certainty to states across the country.

I understand that the Senate Health, Education, Labor and Pensions (HELP) Committee will soon consider legislation to reauthorize the LIHEAP program. As my colleagues may recall, the provisions of the LIHEAP Emergency Reform Act were originally included in the Senate energy bill, now the subject of conference committee deliberations. During floor debate on that bill, I was pleased that the distinguished Chairman and Ranking Member of the HELP Committee, Senators GREGG and KENNEDY, agreed to examine the contingency fund issue during reauthorization of the LIHEAP program. I believe that clear rules for the release of LIHEAP contingency funds will ensure that, in the unfortunate event of an energy emergency, low-income families will receive much-needed assistance in keeping the lights and the heat turned on, which is precisely what Congress intends when it appropriates money to the LIHEAP contingency fund. I believe the LIHEAP Emergency Reform Act will help provide this additional certainty.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, October 20, 2003, from 1:30 p.m.–4 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent the following staffers be granted privilege of the floor during the pendency of the class action fairness debate: Rebecca Seidel, Harold Kim, Ryan Triplette, Jay Greissing from Senator HATCH's staff; and Rita Lari and Matt Reed from Senator GRASSLEY's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent Lindsey Kiser and Chip Roy, members of my staff, be given floor privileges during the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Doug

MacCleery, an employee of the Department of Agriculture who has been detailed to the Agriculture Committee, and Eric Steiner, a fellow on the committee staff, be granted privileges of the floor during today's session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

On Friday, October 17, 2003, the Senate passed H.R. 3289, as amended, as follows:

H.R. 3289

Resolved, That the bill from the House of Representatives (H.R. 3289) entitled "An Act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$12,858,870,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$816,100,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$753,190,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$3,384,700,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$24,946,464,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

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

OPERATION AND MAINTENANCE, MARINE CORPS

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

OPERATION AND MAINTENANCE, AIR FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

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

(2) \$1,000,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$16,000,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$53,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$214,000,000.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", \$35,500,000.

IRAQ FREEDOM FUND
(TRANSFER OF FUNDS)

For "Iraq Freedom Fund", \$1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108-11: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That not less than \$4,000,000 shall be transferred to "Office of the Inspector General" for financial and performance audits of funds apportioned to the

Department of Defense from the Iraq Relief and Reconstruction Fund.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$6,200,000, to remain available until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$104,000,000, to remain available until September 30, 2006: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$1,078,687,000, to remain available until September 30, 2006: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$128,600,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$76,357,000, to remain available until September 30, 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$123,397,000, to remain available until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$40,972,000, to remain available until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$20,450,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$3,441,006,000, to remain available until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$435,635,000, to remain available until September 30, 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$34,000,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force",

\$39,070,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$265,817,000, to remain available until September 30, 2005.

REVOLVING AND MANAGEMENT FUNDS

WORKING CAPITAL FUND, DEFENSE-WIDE

For an additional amount for "Working Capital Fund, Defense-Wide", \$600,000,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$24,000,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$658,380,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$73,000,000: Provided, That these funds may be used only for such activities related to Afghanistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test, and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Intelligence Community Management Account", \$21,500,000, to remain available until September 30, 2005; of which \$3,000,000 may be transferred to and merged with the Department of Energy, "Other Defense Activities", and \$15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, "Salaries and Expenses".

CHAPTER 2

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

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

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$292,550,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out military construction projects not otherwise authorized by law.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 301. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) is amended by striking "\$300,000,000" and inserting "\$450,000,000".

SEC. 302. Upon his determination that such action is necessary in the national interest, the

Secretary of Defense may transfer between appropriations up to \$2,500,000,000 of the funds made available in this title, and in addition such funds as necessary, not to exceed \$5,000,000,000, as approved by the House and Senate Appropriations Committees, Subcommittees on Defense: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004.

SEC. 303. Funds appropriated in this title, or made available by transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 304. None of the funds available to the Department of Defense may be obligated to implement any action which alters the command responsibility or permanent assignment of forces until 90 days after such plan has been provided to the congressional defense committees.

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

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

SEC. 307. (a) Section 1313 of Public Law 108-11 is amended by adding the word, "unobligated", before "balances".

(b) After October 31, 2003, adjustments to obligations that would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriation account of the Department of Defense available for the same purpose.

SEC. 308. Within 30 days after the enactment of this Act, the Secretary of Defense shall report to the Committees on Appropriations on progress to implement the terms of section 8082 of the Department of Defense Appropriations Act, 2004.

SEC. 309. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal year 2003 or 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 310. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: Provided, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations regarding support provided under this section.

SEC. 311. Notwithstanding any other provision of law, from funds available to the Department of Defense for operation and maintenance in fiscal year 2004, not to exceed \$200,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify Congress

not less than 15 days before providing assistance under the authority of this section.

SEC. 312. (a) REPORT ON MILITARY READINESS IMPLICATIONS OF OPERATION IRAQI FREEDOM.—(1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the implications for United States military readiness of the participation of United States ground combat forces in Operation Iraqi Freedom.

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

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

(1) An estimate of the total number of forces required to carry out Operation Iraqi Freedom, including forces required for a rotation base.

(2) An estimate of the expected duration of the operation.

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

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

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

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

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

(8) For current deployment and subsequent rotations, an assessment of the number and type of combat support and combat service support units required from active forces, reserve, and National Guard, and the expected duration of each rotation.

(9) An assessment of the degree to which the operation will require the use of reserve component units and personnel and the use and timing of involuntary Selected Reserve callup authority as provided by section 12304 of title 10, United States Code.

(10) An assessment of the anticipated annual cost of equipment refurbishment and replacement resulting from the operation.

(11) An assessment of how the increased operational tempo associated with the operation would affect the mission capable readiness rates and overall health of both strategic and theater airlift assets.

(12) An assessment of the effect the operation will have on the ability of the United States Armed Forces, including the active forces, reserve, and National Guard, to meet recruiting goals.

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

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

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

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term "congressional defense committees" means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

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

(1) by inserting "(A) IN GENERAL.—" before "When"; and

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

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

"(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

"(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 of this title because of an injury or disease incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war."

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

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

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

(c) NOTICE OF OBLIGATIONS.—Notwithstanding section 2804(b) of title 10, United States Code, when a decision is made to carry out a military construction project using funds transferred to the contingency construction account under subsection (a), the Secretary of Defense shall submit written notice to the appropriate committees of Congress no later than 15 days after the obligation of the funds for the project, specifying the source of the transferred funds and the estimated cost of the project, including form 1391.

(d) DEFINITIONS.—For purposes of this section, the terms "appropriate committees of Congress", "military construction", and "military installation" have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term "military installation" includes not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such

use is anticipated to be temporary or of longer duration; and further excepting that "appropriate committees of Congress" shall include the Subcommittees on Military Construction of the Committees on Appropriations of the Senate and House of Representatives.

SEC. 315. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM. (a) PURPOSE.—Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

(b) FINDINGS.—The Senate finds that—

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

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

(3) the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

(4) Saddam Hussein and his regime's long-standing sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

(5) the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

(6) on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

(7) on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

(8) in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

(9) success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

(10) the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organiza-

tions which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

(11) the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

(12) the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

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

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate—

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

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

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest armed force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SEC. 316. (a) In addition to other purposes for which funds in the Iraq Freedom Fund are available, such funds shall also be available for reimbursing a member of the Armed Forces for the cost of air fare incurred by the member for any travel by the member within the United

States that is commenced during fiscal year 2003 or fiscal year 2004 and is completed during either such fiscal year while the member is on rest and recuperation leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom, but only for one round trip by air between two locations within the United States.

(b) It is the sense of Congress that the commercial airline industry should, to the maximum extent practicable, charge members of the Armed Forces on rest and recuperation leave as described in subsection (a) and their families specially discounted, lowest available fares for air travel in connection with such leave and that any restrictions and limitations imposed by the airlines in connection with the air fares charged for such travel should be minimal.

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

“(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

“(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

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

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

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 318. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

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

“(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve and each member of the Individual Ready Reserve described in section 10144(b) of this title is eligible, subject to subsection (h), to enroll in TRICARE and receive benefits under such enrollment for any period that the member—

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

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

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

“(A) Self alone coverage.

“(B) Self and family coverage.

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

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

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

“(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

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

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

“(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

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

“(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

“(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

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

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

“(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

“(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

“(2) A member who enrolls in the TRICARE program under this section within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

“(i) CERTIFICATION OF NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.—The Secretary of Defense may require a member to submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not covered for health care benefits under any other health benefits plan.

“(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.—In this section, the term ‘eligible unemployment compensation recipient’ means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

“(k) REGULATIONS.—The Secretary of Defense, in consultation with the other administering

Secretaries, shall prescribe regulations for the administration of this section.

“(1) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after September 30, 2004.”.

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following new item:

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

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

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

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

“(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

“(b) ELIGIBLE MEMBER.—A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

“(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

“(1) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

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

“(3) the coverage has not lapsed.

“(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

“(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for a member under this section in a fiscal year may not exceed the amount determined by multiplying—

“(1) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

“(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

“(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

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

“(2) ends on the earlier of—

“(A) the date on which the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section;

“(B) the date on which the member elects to terminate the continued qualified health bene-

fits plan coverage of the dependents of the member; or

“(C) September 30, 2004.

“(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

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

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

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

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

“(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

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

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

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

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

“(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, shall be treated as being on active duty for a period of more than 30 days beginning on the later of the date that is—

“(A) the date of the issuance of such order; or

“(B) 90 days before date on which the period of active duty is to commence under such order for that member.

“(2) In this subsection, the term ‘delayed-effective-date active-duty order’ means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

“(3) This section shall cease to be effective on September 30, 2004.”.

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

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

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

(b)(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

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

(c) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

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

(b) The Secretary of the Army shall reevaluate the requirements of the Army for armored security vehicles and the options available to the Army for procuring armored security vehicles to meet the validated requirements.

SEC. 323. (a) Of the amounts appropriated by chapter 1 of this title under the heading “OPERATION AND MAINTENANCE, ARMY” and available for the operating expenses of the Coalition Provisional Authority (CPA), \$10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

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

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

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

(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

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

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

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

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

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

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

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

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

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

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

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

SEC. 324. REPORT ON REPLACEMENT OF U.S. TROOPS. (a) FINDINGS.—The Senate finds that:

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, “. . . the predominantly Shia south [of Iraq] has been stable and I would say far more stable than most pre-war predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears that many of us had that we might face large-scale ethnic conflict.”

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

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

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

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

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

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

(1) the areas of Iraq determined to be largely secure and stable; and

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

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

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the “First Gulf War”), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

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

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

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

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

SEC. 326. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

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

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and

House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

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

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

- (i) the unit name or designation;
- (ii) the number of personnel deployed;
- (iii) the projected return date to home station; and
- (iv) the schedule, if any, for the replacement of the unit with a Regular or multinational unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

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

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(C) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

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

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

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

SEC. 327. (a) FINDINGS.—Congress makes the following findings:

(1) The Iraq Survey Group is charged with investigating the weapons of mass destruction programs of Iraq.

(2) The Special Advisor to the Director of Central Intelligence for Strategy and Iraq heads the efforts of the Iraq Survey Group.

(b) QUARTERLY REPORTS ON STATUS OF EFFORTS OF IRAQ SURVEY GROUP.—Not later than January 1, 2004, and every three months thereafter through September 30, 2004, the Special Advisor to the Director of Central Intelligence for Strategy and Iraq shall submit to the appropriate committees of Congress a comprehensive written report on the status of the efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in both classified and unclassified form.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

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

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SEC. 329. Of the amounts appropriated by this title, \$10,000,000 shall be available only for the Family Readiness Program of the National Guard.

SEC. 330. (a) FINDINGS.—Congress makes the following findings:

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

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

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

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

(b) The additional personnel authorized under subsection (a) shall be trained, incorporated into an appropriate force structure, and used to perform constabulary duty in such specialties as military police, light infantry, civil affairs, and special forces, and in any other military occupational specialty that is appropriate for constabulary duty.

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

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

(b) NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.—

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

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

“(a) An employee who is absent from a position of employment with the Federal Govern-

ment in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

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

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

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

“(B) is allocable to such pay period.

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

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

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

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

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of the service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

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

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

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

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

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

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) In this section—

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

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

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

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

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

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

SEC. 333. (a) FINDINGS.—Congress makes the following findings:

(1) That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure and the capture of significant and numerous members of Al Qaeda.

(2) That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists.

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

(4) That throughout the proud military history of our Nation, we have recognized our brave men and women of the Armed Forces by awarding them service medals for personal bravery and other leadership actions and for their service in military operations abroad and for support operations at home and abroad.

(5) That historically the President has relied on senior military officers to recommend the personal and theater campaign medals and that, in keeping with these longstanding traditions, the Joint Chiefs of Staff and the combatant commanders, including General Tommy Franks, United States Army, former Commander of the United States Central Command, recommended the awards described below in recognition of the worldwide nature of the current conflict.

(6) That following the advice of his senior military and civilian defense leaders, President Bush, by Executive Order 13289 on March 12, 2003, established the Global War on Terrorism Expeditionary Medal to be awarded to service members who serve in military operations to combat terrorism on or after September 11, 2001, including, but not limited to actions in Operation Enduring Freedom and Operation Iraqi Freedom, in such locations as Afghanistan, Iraq, the Republic of the Philippines, and elsewhere in Southwest Asia, in recognition of the sacrifice and contributions military members make in the global war on terrorism.

(7) That eligibility for the Global War on Terrorism Expeditionary Medal is predicated on deployment abroad for 30 days or more in support of Global War on Terrorism operations on or after September 11, 2001.

(8) That by the same Executive Order, the President established the Global War on Terrorism Service Medical recognizing duty in Operation Noble Eagle and the homeland defense mission against further terrorist attacks, and which recognizes duty in support of military operations performed in areas that do not qualify for the Global War on Terrorism Expeditionary Medal.

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

(b) SENSE OF THE SENATE ON THE AWARD OF CAMPAIGN MEDAL.—It is the sense of the Senate that the Secretary of Defense should, on an expedited basis, issue the necessary regulations to implement these awards and ensure that any person who renders qualifying service with the Armed Forces in those phases of the Global War on Terrorism including Operation Iraqi Freedom, Operation Enduring Freedom and Oper-

ation Noble Eagle should promptly receive these awards.

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

SEC. 335. Of the funds appropriated by this Act, \$500,000,000 shall be available for repair or replacement of Department of Defense and National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces; Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95 (108th Congress): Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes the designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

TITLE II—INTERNATIONAL AFFAIRS
CHAPTER 1

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(INCLUDING RESCISSION)

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

For an additional amount for "Diplomatic and Consular Programs", \$35,800,000, to remain available until September 30, 2005.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", \$90,500,000, to remain available until expended: Provided, That of the funds made available under this heading, \$50,000,000 shall only be available for rewards: Provided further, That of the funds made available under this heading, \$32,000,000 is for the reimbursement of the City of New York for costs associated with the protection of foreign missions and officials during the heightened state of alert following the September 11, 2001, terrorist attacks on the United States: Provided further, That of the funds made available under this heading, \$8,500,000 is for costs associated with the 2003 Free Trade Area of the Americas Ministerial meeting: Provided further, That of the funds previously appropriated under this heading, \$2,000,000 is for rewards for an indictee of the Special Court for Sierra Leone: Provided further, That of prior year unobligated balances available under this heading, \$8,451,000 shall be transferred to and merged with the appropriation for "Diplomatic and Consular Programs" and shall be available only for the Border Security Program: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$90,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE
PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for Inter-

national Development", \$40,000,000, of which not less than \$4,000,000 shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq, to remain available until September 30, 2005.

CAPITAL INVESTMENT FUND

For an additional amount for "Capital Investment Fund", \$60,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for \$60,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in House Concurrent Resolution 98 (108th Congress), the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE
PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for security, rehabilitation and reconstruction in Iraq, \$18,449,000,000, to remain available until expended, to be allocated as follows: \$3,243,000,000 for security and law enforcement; \$1,318,000,000 for justice, public safety infrastructure, and civil society; \$5,560,000,000 for the electric sector; \$1,900,000,000 for oil infrastructure; \$4,332,000,000 for water resources and sanitation; \$500,000,000 for transportation and telecommunications; \$370,000,000 for roads, bridges, and construction; \$793,000,000 for health care; \$153,000,000 for private sector development; and \$280,000,000 for education, refugees, human rights, democracy, and governance: Provided, That of the funds made available pursuant to the previous proviso, not less than \$100,000,000 shall be made available for democracy building activities in Iraq: Provided further, That none of the funds appropriated under this heading may be allocated for any capital project, including construction of a prison, hospital, housing community, railroad, or government building, until the Coalition Provisional Authority submits a report to the Committees on Appropriations describing in detail the estimated costs (including the costs of consultants, design, materials, shipping, and labor) on which the request for funds for such project is based: Provided further, That in order to control costs, to the maximum extent practicable Iraqis with the necessary qualifications should be consulted and utilized in the design and implementation of programs, projects, and activities funded under this heading: Provided further, That the Administrator of the United States Agency for International Development (USAID) shall seek to ensure that programs, projects, and activities administered by USAID in Iraq and Afghanistan comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: Provided further, That the Administrator shall submit a report to the Committees on Appropriations not later than December 31, 2004, describing the manner in which the needs of people with disabilities were met in the development and implementation of USAID programs, projects, and activities in Iraq and Afghanistan in fiscal year 2004: Provided further, That the Administrator, not later than 180 days after enactment of this Act and in consultation, as appropriate, with other appropriate departments and agencies, the Architectural and Transportation Barriers Compliance Board, and nongovernmental organizations with expertise in the needs of people with disabilities, shall develop and implement appropriate standards for access for people with disabilities for construction projects funded by USAID: Provided further, That of the funds appropriated under this heading, assistance shall

be made available for Iraqi civilians who have suffered losses as a result of military operations: Provided further, That not later than 90 days after enactment of this Act the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations describing the progress made toward indicting and trying leaders of the former Iraqi regime for war crimes, genocide, or crimes against humanity: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6): Provided further, That the President may waive the requirements of the previous proviso if he determines that it is necessary to do so as a result of unforeseen or emergency circumstances: Provided further, That the President may reallocate funds provided under this heading: Provided further, That these funds may be transferred to any Federal account for any Federal Government activity to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: Provided further, That funds appropriated under this heading or transferred or reallocated under provisions of this chapter or section 632 of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq shall be subject to notifications of the Committees on Appropriations, except that the notifications shall be transmitted at least 5 days in advance of the obligation of funds: Provided further, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom for all individuals, including a prohibition on laws that would criminalize blasphemy and apostasy: Provided further, That not later than 90 days after enactment of this Act and every 90 days thereafter until the ratification of a new Iraqi constitution, the President shall report to the appropriate Committees of the Congress, on efforts by the Coalition Provisional Authority and relevant Iraqi officials to ensure that the Iraqi constitution preserves religious freedom: Provided further, That funds appropriated under this heading shall be made available to the General Accounting Office for an audit of all funds appropriated under this Act, including tracking the expenditure of appropriated funds, a comparison of the amounts appropriated under this Act to the amount actually expended, and a determination of whether the funds appropriated in this Act are expended as intended by Congress: Provided further, That of the funds appropriated under this heading, up to \$13,000,000 may be made available to facilitate inter-ethnic and inter-religious dialogue, conflict resolution activities, support rule of law programs, and train Iraqi leaders in democratic principles.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", \$422,000,000, to remain available until September 30, 2005, for accelerated assistance for Afghanistan: Provided, That these funds are available notwithstanding section 660 of the Foreign Assistance Act of 1961, and section 620(q) of that Act or any comparable provision of law: Provided further, That these funds may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: Provided

further, That not to exceed \$200,000,000 appropriated under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

For necessary expenses to enable the President to respond to or prevent unforeseen complex foreign crises, \$200,000,000, which shall be made available for assistance for Liberia, of which \$100,000,000 shall be derived by transfer from funds appropriated under any other heading of this Chapter: Provided, That funds appropriated under this heading, shall remain available until expended, and may be made available only pursuant to a determination, after consultation with the Committees on Appropriations, by the President that it is in the national interest to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: Provided further, That none of these funds shall be available to respond to natural disasters: Provided further, That from these funds the President may make allocations to Federal agencies to carry out the authorities provided under this heading: Provided further, That funds appropriated under this heading shall be subject to the same conditions as those contained under the same heading in chapter 5 of title I of S. 762, as reported by the Committee on Appropriations on April 1, 2003: Provided further, That the President may furnish assistance under this heading notwithstanding any other provision of law: Provided further, That the provisions of section 553 of Division E of Public Law 108-7, or any comparable provision of law enacted subsequent to the enactment of that Act, shall be applicable to funds appropriated under this heading: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds: Provided further, That the requirements of the previous proviso may be waived if failure to do so would pose a substantial risk to human health and welfare: Provided further, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of such circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such waiver shall contain an explanation of the emergency circumstances.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", \$120,000,000, to remain available until September 30, 2004, for accelerated assistance for Afghanistan.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", \$35,000,000, for accelerated assistance for Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the "Foreign Military Financing Program", \$222,000,000, for accelerated assistance for Afghanistan.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", \$50,000,000, to support the global war on terrorism.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 2301. In addition to transfer authority otherwise provided in chapter 2 of this title, any appropriation made available in chapter 2 of this title may be transferred between such appropriations, to be available for the same purposes and the same time as the appropriation to which transferred: Provided, That the total amount transferred pursuant to this section shall not exceed \$200,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds.

SEC. 2302. Assistance or other financing under chapter 2 of this title may be provided for Iraq, notwithstanding any other provision of law: Provided, That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: Provided further, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the appropriate congressional committees shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

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

SEC. 2304. Section 1503 of Public Law 108-11 is amended by, in the last proviso, striking "2004" and inserting in lieu thereof "2005".

SEC. 2305. Section 1504 of Public Law 108-11 is amended by—

(1) in the first proviso, striking the first proviso, and inserting in lieu thereof: "Provided, That subject to the determination and notification requirements of this section, exports are authorized to Iraq of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military, private security force, other official Iraqi security forces or police forces, or forces from other countries in Iraq that support United States efforts in Iraq"; and

(2) in the last proviso, striking "2004" and inserting in lieu thereof "2005".

SEC. 2306. Public Law 107-57 is amended—

(1) in section 1(b), by striking "2003" wherever appearing (including in the caption), and inserting in lieu thereof "2004";

(2) in section 3(2), by striking "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, as is" and inserting in lieu thereof "annual foreign operations, export

financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are"; and

(3) in section 6, by striking "2003" and inserting in lieu thereof "2004".

SEC. 2307. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq.

SEC. 2308. Funds appropriated by chapter 2 of this title under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Peacekeeping Operations", and "Foreign Military Financing Program" shall be subject to the regular notification procedures of the Committees on Appropriations.

SEC. 2309. (a) The Coalition Provisional Authority (CPA) shall, on a monthly basis, submit a report to the Committees on Appropriations which details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

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

(c) The reports required by this section shall also be made publicly available in both English and Arabic, including through the CPA's Internet website.

SEC. 2310. (a) **REPORTS OF COALITION PROVISIONAL AUTHORITY.**—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

(b) **COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.**—(1) The Comptroller General of the United States shall conduct an ongoing audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General, in consultation with the Committees on Appropriations, considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

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

(B) A detailed description of the relationship between the Authority and other Federal agen-

cies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

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

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

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

(D) A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

(E) A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

(4) The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

SEC. 2311. None of the funds made available by this Act or any unexpended funds provided in Public Law 108-11 may be made available to pay any costs associated with debts incurred by the former government of Saddam Hussein.

SEC. 2312. Title III of Public Law 107-327 is amended as follows by inserting the following new section:

"SEC. 304. REPORTS.

"The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the 'Purposes of Assistance' set forth in section 102 of this Act utilizing assistance provided by the United States for Afghanistan. The first report shall be submitted no later than December 31, 2003, and subsequent reports shall be submitted in conjunction with reports required under section 303 of this title and thereafter through December 31, 2004."

SEC. 2313. (a) **NEW OFFENSE.**—

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

"SEC. 1037. WAR PROFITEERING AND FRAUD RELATING TO MILITARY ACTION, RELIEF, AND RECONSTRUCTION EFFORTS IN IRAQ.

"(a) Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

"(1) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

"(2) falsifies, conceals, or covers up by any trick, scheme or device a material fact;

"(3) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(4) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq;

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

"(b) **EXTRATERRITORIAL JURISDICTION.**—There is extraterritorial Federal jurisdiction over an offense under this section.

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

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

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located."

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

"1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq."

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

(c) **MONEY LAUNDERING.**—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting before "section 1111" the following: "section 1037 War Profiteering and Fraud Relating to Military Action, Relief, and Reconstruction Efforts in Iraq)".

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

SEC. 2314. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

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

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

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

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

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

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

(B) of the funds contributed by the United States to finance infrastructure projects in Iraq.

SEC. 2315. (a) Not later than April 30, 2004, the Secretary of Defense shall submit a certification to Congress of the amount that Iraq will pay, or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein, including any amount used for the payment of principal, interest, or fees associated with such debt. Such certification shall include—

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

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

(b) On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds appropriated in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", the amount that is equal to the sum of the amount certified under paragraph (1) of subsection (a) and the estimated amount certified under paragraph (2) of such subsection. The amount so reserved may not be obligated or expended on or after such date.

(c) The Director of the Office of Management and Budget shall impose such restrictions and conditions as the Director determines necessary to ensure that, in the apportionment of amounts appropriated as described in subsection (b), the balance of the total amount so appropriated that remains unobligated on May 1, 2004, exceeds the amount that is to be reserved under subsection (b).

(d) It is the sense of Congress that each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt, including any amount owed by Iraq for the principal, interest, and fees associated with such debt.

SEC. 2316. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

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

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

(4) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the development of a democratic, economically prosperous Iraq.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

SEC. 2317. GENERAL ACCOUNTING OFFICE REVIEW. (a) The Comptroller General of the United States shall—

(1) review the effectiveness of relief and reconstruction activities conducted by the Coalition Provisional Authority (hereafter in this section "CPA") from funds made available under the "Iraq Relief and Reconstruction Fund" in this title, including by providing analyses of—

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

(B) compliance by the CPA and the Government departments with Federal laws governing competition in contracting; and

(C) the degree to which the CPA is expending funds economically and efficiently, including through use of local contractors;

(2) report quarterly to the appropriate congressional committees on the results of the review conducted under paragraph (1).

(b) In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

SEC. 2318. None of the funds appropriated or otherwise made available by this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", or under any other heading, may be obligated or expended for the purpose of arming, training, or employing individuals under the age of 18 years for the Facilities Protection Service, to carry out any function similar to the functions performed by the Service, or for any other security force.

SEC. 2319. (a) Of the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) the \$5,136,000,000 allocated for security, including public safety requirements, national security, and justice shall be used to rebuild Iraq's security services;

(2) \$5,168,000,000 shall be available for the purposes, other than security, set out under such subheading; and

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

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

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

(2) On the date that the President submits the certification described in paragraph (1)—

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

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

(d) The head of the Coalition Provisional Authority shall ensure that the amounts appropriated under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", are expended, whether by the United States or by the Governing Counsel in Iraq, for the purposes set out under such subheading and in a manner that the head of the Coalition Provisional Authority does not find objectionable.

(e) It is the sense of Congress that each country that is owed bilateral debt by Iraq that was incurred by the regime of Saddam Hussein should—

(1) forgive such debt; and

(2) provide robust amounts of reconstruction aid to Iraq during the conference of donors scheduled to begin on October 23, 2003, in Madrid, Spain and during other conferences of donors of foreign aid.

(f) In this section:

(1) The term "amounts appropriated under the subheading 'IRAQ RELIEF AND RECONSTRUCTION FUND'" means the amounts appropriated by chapter 2 of this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT".

(2) The term "Coalition Provisional Authority" means the entity charged by the President with directing reconstruction efforts in Iraq.

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

(1) A coalition of allied countries led by the United States entered Iraq on March 19, 2003, to liberate the people of Iraq from the tyrannical rule of Saddam Hussein and the Baathist party and to remove a threat to global security and stability.

(2) Achieving stability in Iraq will require substantial monetary investments to develop a secure environment and improve the physical infrastructure.

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

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

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

(6) The President is currently seeking to increase global participation in the effort to stabilize and reconstruct Iraq.

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

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

(1) make every effort to increase the level of financial commitment from other nations to improve the physical, political, economic, and social infrastructure of Iraq; and

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

SEC. 2321. (a) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

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

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

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

(b) **SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.**—(1) Not later than 60 days after the submittal of the report required by subsection (a), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

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

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

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

(2) Each report under this subsection shall include information on the following:

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

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

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

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordnance, and excess military equipment in Iraq.

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

SEC. 2322. REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN AND IRAQ. (A) **GOVERNANCE.**—Activities carried out by the United States with respect to the civilian governance of Afghanistan and Iraq shall, to the maximum extent practicable—

(1) include the perspectives and advice of women's organizations in Afghanistan and Iraq, respectively;

(2) promote the inclusion of a representative number of women in future legislative bodies to ensure that the full range of human rights for women are included and upheld in any constitution or legal institution of Afghanistan and Iraq, respectively; and

(3) encourage the appointment of women to high level positions within ministries in Afghanistan and Iraq, respectively.

(b) **POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.**—Activities carried out by the United States with respect to post-conflict stability in Afghanistan and Iraq shall, to the maximum extent practicable—

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

(A) partner with or create counterpart organizations led by Afghans and Iraqis, respectively; and

(B) to provide such counterpart organizations with significant financial resources, technical assistance, and capacity building;

(2) increase the access of women to, or ownership by women of, productive assets such as land, water, agricultural inputs, credit, and property in Afghanistan and Iraq, respectively;

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

(4) integrate education and training programs for former combatants in Afghanistan and Iraq,

respectively, with economic development programs to—

(A) encourage the reintegration of such former combatants into society; and

(B) promote post-conflict stability in Afghanistan and Iraq, respectively.

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

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

(2) encourage the personnel providing the training described in paragraph (1) to consult with women's organizations in Afghanistan and Iraq, respectively, to ensure that training content and materials are adequate, appropriate, and comprehensive.

TITLE III—LEAVE FOR MILITARY FAMILIES

SEC. 3001. SHORT TITLE. This title may be cited as the "Military Families Leave Act of 2003".

SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE. (a) **ENTITLEMENT TO LEAVE.**—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) **ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.**—

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

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) **CONDITIONS AND TIME FOR TAKING LEAVE.**—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) **LIMITATION.**—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period."

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

(c) **SUBSTITUTION OF PAID LEAVE.**—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

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

"(3) **NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.**—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable."

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

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

SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES. (a) **ENTITLEMENT TO LEAVE.**—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

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

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

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

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period."

(b) **SCHEDULE.**—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

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

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

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable."

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

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe."

TITLE IV—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION MEDICAL CARE

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

TITLE V—GENERAL PROVISION, THIS ACT

SEC. 5001. Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

SEC. 5002. The amounts provided in this Act are designated by the Congress as an emergency

requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SEC. 5003. (a) None of the funds appropriated by this Act may be obligated or expended by the head of an executive agency for payments under any contract or other agreement described in subsection (b) that is not entered into with full and open competition unless, not later than 30 days after the date on which the contract or other agreement is entered into, such official—

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

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

(b) This section applies to any contract or other agreement in excess of \$1,000,000 that is entered into with any public or private sector entity for any of the following purposes:

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

(2) To establish or reestablish a political or societal institution of Iraq.

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

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

(c) The report on a contract or other agreement of an executive agency under subsection (a) shall include the following information:

(1) The amount of the contract or other agreement.

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

(3) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

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

(d) The limitation on use of funds in subsection (a) shall not apply in the case of any contract or other agreement entered into by the head of an executive agency for which such official—

(1) either—

(A) withholds from publication and disclosure as described in such subsection any document or other collection of information that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; or

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

(2) transmits an unredacted version of the document or other collection of information, respectively, to the chairman and ranking member of each of the Committees on Governmental Affairs and on Appropriations of the Senate, the Committees on Government Reform and on Appropriations of the House of Representatives, and the committees that the head of such executive agency determines has legislative jurisdiction for the operations of such executive agency to which the document or other collection of information relates.

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

(B) For each contract or other agreement for which the Secretary of Defense grants a waiver under this paragraph, the Secretary shall sub-

mit a notification of the contract or other agreement and the grant of the waiver, together with a discussion of the justification for the waiver, to the committees of Congress named in subsection (a)(1).

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

(B) For each contract or other agreement for which the Director of Central Intelligence grants a waiver under this paragraph, the Director shall submit a notification of the contract or other agreement and of the grant of the waiver, together with a discussion of the justification for the waiver, to the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Affairs of the Senate and to the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Reform of the House of Representatives.

(f) Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(g) In this section—

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

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

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

SEC. 5004. (a) Congress finds that—

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

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

(3) the policies and activities of the Government of Iraq under the Saddam Hussein regime contributed to security concerns in the Middle East, especially for Israel;

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

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

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

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

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

SEC. 5005. (a) The Comptroller General shall conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of \$40,000,000 that are performed or are to be performed in, or relating to, Iraq and are paid out of funds made available under this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11). The studies shall specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts (and further subcontracting) under any such contract. In conducting studies under this section, the Comptroller General shall have access to any infor-

mation and records created or maintained by the United States, or by any entity receiving funds for contracts studied under this section that the Comptroller General considers appropriate.

(b) Not later than 6 months after the date of enactment of this Act and again 4 months thereafter, the Comptroller General shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes—

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

(2) any recommendations for the improvement of the contracting process for contracts performed or to be performed in Iraq and for contracts generally, including the selection process, contract content, and oversight of the administration and performance of contracts.

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

“(h) Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage during the period between 1979 and 1981, and their spouses and children at the time, shall have a claim for money damages against a foreign state for personal injury that was caused by the foreign state’s act of torture or hostage taking. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in section 1605(a)(7)(A) of title 28, United States Code.”.

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

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

(2) Iraq’s reserves were exhausted during the Iran-Iraq War in the 1980’s and Iraq became a debtor nation.

(3) Today, the debts incurred by Saddam Hussein’s regime are estimated to be as much as \$150,000,000,000.

(4) A process has been put in place that will establish a new representative Iraqi government based on a democratic political system with a free market economy. The goal is a prosperous Iraq that is not a threat to its neighbors.

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

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

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

SEC. 5008. (a) FINDINGS.—The Senate finds that—

(1) in May 2002, the Federal Bureau of Investigation (FBI) issued a warning to law enforcement personnel to be alert to the potential use of shoulder-fired missiles against United States aircraft;

(2) in May 2002, Al Qaeda was suspected of firing a shoulder-fired missile at United States military aircraft near Prince Sultan Air Base in Saudi Arabia;

(3) in November 2002, an Israeli commercial jetliner was fired upon by a shoulder-fired missile shortly after take-off in Mombasa, Kenya;

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

(5) during recent operations in Iraq, United States commercial airlines—as part of the Civil Reserve Air Fleet (CRAF)—flew nearly 2,000 flights carrying United States troops and supplies into Kuwait, Saudi Arabia, the United Arab Emirates, Qatar, and Bahrain;

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

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

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

This Act may be cited as the “Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction Act, 2004”.

ORDERS FOR TUESDAY, OCTOBER 21, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 10:30 a.m. on Tuesday, October 21, the Senate proceed to the conference report to accompany S. 3, the partial-birth abortion ban legislation, and that it be considered under the following terms: 4 hours for debate equally divided between the two leaders or their designees, provided that following the use or yielding back of time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I only ask that the distinguished Senator modify

his consent request to have that time on our side under Senator BOXER’s control.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 tomorrow morning. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with the first half of that time controlled by the Democratic leader or his designee, and the second half of the time under the control of Senator HUTCHISON or her designee. I further ask unanimous consent that at 10:30 a.m., the Senate begin consideration of the conference report to accompany S. 3 as under the earlier consent. I also ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences to meet. I further ask unanimous consent that following the vote on the conference report to accompany S. 3, the Senate resume debate on the motion to proceed to S. 1751.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow morning following the period

of morning business, the Senate will begin consideration of the conference report to accompany the partial-birth abortion ban bill. Under that agreement, there will be up to 4 hours of debate, and therefore a vote on adoption of the conference report will occur sometime tomorrow afternoon. The vote on the conference report will be the first vote of the day.

Following that vote, the Senate will resume consideration of the motion to proceed to S. 1751, the class action reform bill.

As a reminder, cloture was filed on the motion to proceed to the bill just a few moments ago. That cloture vote will occur on Wednesday. Senators obviously will be notified when that vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Tuesday, October 21, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 20, 2003:

THE JUDICIARY

MARGARET CATHARINE RODGERS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.