AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

IB

109TH CONGRESS
1ST SESSION

H. R. 1268

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2005

Ordered to be printed with the amendment of the Senate

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

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:~~

~~DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005~~

~~TITLE I—DEFENSE-RELATED APPROPRIATIONS~~

~~CHAPTER 1~~

~~DEPARTMENT OF DEFENSE~~

~~DEPARTMENT OF DEFENSE—MILITARY~~

~~MILITARY PERSONNEL~~

~~MILITARY PERSONNEL, ARMY~~

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

~~MILITARY PERSONNEL, NAVY~~

~~For an additional amount for "Military Personnel, Navy", $534,080,000. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~MILITARY PERSONNEL, MARINE CORPS~~

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

~~MILITARY PERSONNEL, AIR FORCE~~

~~For an additional amount for "Military Personnel, Air Force", $1,473,472,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~RESERVE PERSONNEL, ARMY~~

~~For an additional amount for "Reserve Personnel, Army", $40,327,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~RESERVE PERSONNEL, NAVY~~

~~For an additional amount for "Reserve Personnel, Navy", $11,111,000: *Provided*, That the amounts provided under this heading are designated as an emergency~~

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

~~RESERVE PERSONNEL, MARINE CORPS~~

~~For an additional amount for "Reserve Personnel, Marine Corps", $4,115,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~RESERVE PERSONNEL, AIR FORCE~~

~~For an additional amount for "Reserve Personnel, Air Force", $130,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~NATIONAL GUARD PERSONNEL, ARMY~~

~~For an additional amount for "National Guard Personnel, Army", $430,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~NATIONAL GUARD PERSONNEL, AIR FORCE~~

~~For an additional amount for "National Guard Personnel, Air Force", $91,000: *Provided*, That the amounts~~

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

~~OPERATION AND MAINTENANCE~~

~~OPERATION AND MAINTENANCE, ARMY~~

~~For an additional amount for "Operation and Maintenance, Army", $17,366,004,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, NAVY~~

~~For an additional amount for "Operation and Maintenance, Navy", $3,030,801,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, MARINE CORPS~~

~~For an additional amount for "Operation and Maintenance, Marine Corps", $982,464,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of~~

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

~~OPERATION AND MAINTENANCE, AIR FORCE~~

~~For an additional amount for "Operation and Maintenance, Air Force", $5,769,450,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~

~~For an additional amount for "Operation and Maintenance, Defense-Wide", $3,061,300,000 (reduced by $1,000,000) (increased by $1,000,000), of which—~~

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

~~(2) up to $1,220,000,000, to remain available until expended, may be used 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, notwithstanding any other provision of law: *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 funds provided in this paragraph: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, ARMY RESERVE~~

~~For an additional amount for "Operation and Maintenance, Army Reserve", $8,154,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, NAVY RESERVE~~

~~For an additional amount for "Operation and Maintenance, Navy Reserve", $75,164,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, MARINE CORPS RESERVE~~

~~For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $24,920,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD~~

~~For an additional amount for "Operation and Maintenance, Army National Guard", $188,779,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID~~

~~For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~AFGHANISTAN SECURITY FORCES FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the "Afghanistan Security Forces Fund", $1,285,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command-Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, 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 may transfer the funds provided herein to appropriations~~

~~for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *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 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 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 the amounts provided under this heading are designated as an emergency requirement pursuant to sec-~~

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

~~IRAQ SECURITY FORCES FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the "Iraq Security Forces Fund", $5,700,000,000, to remain available until September 30, 2006. *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, 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 may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *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 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, notwithstanding any other provision of law, from funds made available under this heading, up to $99,000,000 may be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: *Provided further*, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services, training and funding, and the Secretary of Defense may transfer funds to any Federal agency for the purpose of providing such assistance: *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 the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT~~

~~AIRCRAFT PROCUREMENT, ARMY~~

~~For an additional amount for "Aircraft Procurement, Army", $458,677,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~MISSILE PROCUREMENT, ARMY~~

~~For an additional amount for "Missile Procurement, Army", $340,536,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY~~

~~For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $2,678,747,000, to remain available until September 30, 2007. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT OF AMMUNITION, ARMY~~

~~For an additional amount for "Procurement of Ammunition, Army", $532,800,000, to remain available until September 30, 2007. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OTHER PROCUREMENT, ARMY~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

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

~~AIRCRAFT PROCUREMENT, NAVY~~

~~For an additional amount for "Aircraft Procurement, Navy", $200,295,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~WEAPONS PROCUREMENT, NAVY~~

~~For an additional amount for "Weapons Procurement, Navy", $71,600,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS~~

~~For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $141,735,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OTHER PROCUREMENT, NAVY~~

~~For an additional amount for "Other Procurement, Navy", $78,372,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT, MARINE CORPS~~

~~For an additional amount for "Procurement, Marine Corps", $3,588,495,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~AIRCRAFT PROCUREMENT, AIR FORCE~~

~~For an additional amount for "Aircraft Procurement, Air Force", $279,241,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT OF AMMUNITION, AIR FORCE~~

~~For an additional amount for "Procurement of Ammunition, Air Force", $6,998,000, to remain available until September 30, 2007: *Provided*, That the amounts~~

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

~~OTHER PROCUREMENT, AIR FORCE~~

~~For an additional amount for "Other Procurement, Air Force", $2,658,527,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT, DEFENSE-WIDE~~

~~For an additional amount for "Procurement, Defense-Wide", $646,327,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY~~

~~For an additional amount for "Research, Development, Test and Evaluation, Army", $25,170,000, to remain available until September 30, 2006: *Provided*, That~~

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

~~RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY~~

~~For an additional amount for "Research, Development, Test, and Evaluation, Navy", $202,051,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE~~

~~For an additional amount for "Research, Development, Test and Evaluation, Air Force", $121,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE~~

~~For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $159,600,000, to remain available until September 30, 2006. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~REVOLVING AND MANAGEMENT FUNDS~~

~~DEFENSE WORKING CAPITAL FUNDS~~

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

~~NATIONAL DEFENSE SEALIFT FUND~~

~~For an additional amount for "National Defense Sealift Fund", $32,400,000, to remain available until expended. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OTHER DEPARTMENT OF DEFENSE PROGRAMS~~

~~DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $257,000,000, to remain available until December 31, 2005. *Provided*, That these funds may be used for such activities related to Afghanistan and the Central Asia area. *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. *Provided further*, That not to exceed $70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations~~

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

~~OFFICE OF THE INSPECTOR GENERAL~~

~~For an additional amount for "Office of the Inspector General", $148,000. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~RELATED AGENCIES~~

~~INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT~~

~~For an additional amount for "Intelligence Community Management Account", $250,300,000, of which $181,000,000 is to remain available until September 30, 2006. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~(TRANSFER OF FUNDS)~~

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

~~fense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *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, 2005, except for the fourth proviso: *Provided further,* That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287, 118 Stat. 969), is amended by striking "$3,500,000,000" and inserting "$5,500,000,000". *Provided,* That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~(TRANSFER OF FUNDS)~~

~~SEC. 1103. During fiscal year 2005, the Secretary of Defense may transfer amounts in or credited to the Defense Cooperation Account, pursuant to section 2608 of title 10, United States Code, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~SEC. 1104. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $34,000,000 may be made available for support for counter-drug activities of the Government of Afghanistan, and not to exceed $4,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: *Provided*, That such support shall be in addition to support provided for the~~

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

~~(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.~~

~~(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.~~

~~(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.~~

~~SEC. 1105. The paragraph under the heading "Operation and Maintenance, Defense-Wide" in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954), is amended in the first proviso by striking "$32,000,000" and inserting "$40,000,000".~~

~~SEC. 1106. For fiscal year 2005, the limitation under paragraph (3) of section 2208(l) of title 10, United States Code, on the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in a fiscal year shall be applied by substituting "$1,500,000,000" for "$1,000,000,000".~~

~~SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077), as amended by section 102 of title I of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking "$500,000,000" in the matter preceding paragraph (1) and inserting "$854,000,000".~~

~~SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking "$185,000,000" and inserting "$210,000,000".~~

~~SEC. 1109. (a) During calendar year 2005 and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to $200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location~~

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

~~(1) a military operation, including a contingency operation; or~~

~~(2) an operation in response to a declared emergency.~~

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

~~(c) The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.~~

~~SEC. 1110. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—~~

~~(1) in the matter preceding paragraph (1), by striking "in the fiscal year after the effective date of this Act" and inserting "during fiscal years 2005 and 2006"; and~~

1 ~~(2) in paragraph (1), by striking "500 new per-~~
2 ~~sonnel billets" and inserting "a total of 500 new~~
3 ~~personnel positions".~~
4 ~~SEC. 1111. Section 1051a(c) of title 10, United~~
5 ~~States Code, is amended by striking "September 30,~~
6 ~~2005" and inserting "December 31, 2005".~~
7 ~~SEC. 1112. Notwithstanding subsection (c) of section~~
8 ~~308e of title 37, United States Code, the maximum~~
9 ~~amount of the bonus paid to a member of the Armed~~
10 ~~Forces pursuant to a reserve affiliation agreement entered~~
11 ~~into under such section during fiscal year 2005 shall not~~
12 ~~exceed $10,000, and the Secretary of Defense, and the~~
13 ~~Secretary of Homeland Security with respect to the Coast~~
14 ~~Guard, may prescribe regulations under subsection (f) of~~
15 ~~such section to modify the method by which bonus pay-~~
16 ~~ments are made under reserve affiliation agreements en-~~
17 ~~tered into during such fiscal year.~~
18 ~~SEC. 1113. (a) INCREASE IN SGLI MAXIMUM.—Sec-~~
19 ~~tion 1967 of title 38, United States Code, is amended—~~
20 ~~(1) in subsection (a)(3)(A)(i), by striking~~
21 ~~"$250,000" and inserting "$400,000 or such lesser~~
22 ~~amount as the member may elect in increments of~~
23 ~~$50,000";~~
24 ~~(2) in subsection (a)(3)(B), by striking "member~~
25 ~~or spouse" in the last sentence and inserting "mem-~~

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

~~(3) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under subsection (a)(3)(A)(i)''.~~

~~(b) SPOUSE CONSENT AND BENEFICIARY NOTIFICATION.—Section 1967(a)(3)(B) of such title is amended—~~

~~(1) by inserting ''(i)'' after ''(B)''; and~~

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

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

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

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

~~''(iii) Whenever a member who is not married elects not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subpara-~~

~~graph (A)(i), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.''.~~

~~(c) LIMITATION ON SPOUSE COVERAGE TO AMOUNT OF MEMBER COVERAGE.—Section 1967(a)(3)(C) of such title is amended by inserting before the period at the end the following: ''as applicable to such member under subparagraph (A)(i)''.~~

~~(d) CONFORMING AMENDMENTS TO VGLI PROVISIONS.—Section 1977 of such title is amended by striking ''$250,000'' each place it appears and inserting ''$400,000''.~~

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

~~(1) in subsection (a), by striking ''$12,000 (as adjusted under subsection (c))'' and inserting ''$100,000''; and~~

~~(2) by striking subsection (c).~~

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

~~SEC. 1114. (a) SPECIAL DEATH GRATUITY FOR CERTAIN PRIOR DEATHS IN SERVICE.—In the case of the death of a member of the uniformed services that is a qualifying death (as specified in subsection (b)), the Secretary concerned shall pay a death gratuity of not more than $238,000. Of that amount—~~

~~(1) $150,000 shall be paid in the manner specified in subsection (c); and~~

~~(2) $88,000 shall be paid in the manner specified in subsection (d).~~

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

~~(1) the member died during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act;~~

~~(2) for the purpose of section 1114(a)(2), the death was a direct result of an injury or illness (or combination of one or more injuries or illness) incurred in Operation Enduring Freedom or Operation Iraqi Freedom, as determined under regulations prescribed by the Secretary of Defense; and~~

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

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

~~(1) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds paid on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code; or~~

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

~~(d) MILITARY DEATH GRATUITY BENEFICIARIES.—A payment pursuant to subsection (a)(2) by reason of a covered death shall be paid equal shares to the beneficiaries who were paid the death gratuity that was paid~~

~~with respect to that death under subchapter II of chapter 75 of title 10, United States Code.~~

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

~~(f) DEFINITION.—For the purposes of this section, the term "Secretary concerned" has the meaning given that term in section 101 of title 37, United States Code.".~~

~~SEC. 1115. Funds appropriated in this chapter, or made available by transfer of funds in or pursuant to this chapter, 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. 1116. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.~~

~~CHAPTER 2~~

~~DEPARTMENT OF DEFENSE~~

~~MILITARY CONSTRUCTION, ARMY~~

~~For an additional amount for "Military Construction, Army", $930,100,000, to remain available until September 30, 2006: *Provided*, That $669,100,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~MILITARY CONSTRUCTION, NAVY AND MARINE CORPS~~

~~For an additional amount for "Military Construction, Navy and Marine Corps", $92,720,000, to remain available until September 30, 2006: *Provided*, That $32,380,000 of such additional amount may not be obligated until after that date on which the Secretary of De-~~

~~fense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342. *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law. *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~MILITARY CONSTRUCTION, AIR FORCE~~

~~For an additional amount for "Military Construction, Air Force", $301,386,000, to remain available until September 30, 2006. *Provided*, That $301,386,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342. *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law. *Provided further*, That the amounts provided under this head-~~

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

~~MILITARY PERSONNEL, ARMY~~

~~For an additional amount for "Military Personnel, Army", $1,542,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OPERATION AND MAINTENANCE, ARMY~~

~~For an additional amount for "Operation and Maintenance, Army", $66,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~DEFENSE HEALTH PROGRAM~~

~~For an additional amount for "Defense Health Program", $175,550,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

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

~~CHAPTER 1~~

~~BILATERAL ECONOMIC ASSISTANCE~~

~~FUNDS APPROPRIATED TO THE PRESIDENT~~

~~UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT~~

~~INTERNATIONAL DISASTER AND FAMINE ASSISTANCE~~

~~For an additional amount for "International Disaster and Famine Assistance", $44,000,000 (increased by $50,000,000), to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

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

~~For an additional amount for "Operating Expenses of the United States Agency for International Development", $24,400,000, to remain available until September 30, 2006.~~

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

~~OFFICE OF INSPECTOR GENERAL~~

~~For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $2,500,000, to remain available until September 30, 2006.~~

~~OTHER BILATERAL ECONOMIC ASSISTANCE~~

~~ECONOMIC SUPPORT FUND~~

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

~~For an additional amount for "Economic Support Fund", $376,500,000, to remain available until September 30, 2006. *Provided,* That these funds are hereby designated by Congress to be emergency requirements pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION~~

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

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

~~DEPARTMENT OF STATE~~

~~INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

~~MIGRATION AND REFUGEE ASSISTANCE~~

~~For an additional amount for "Migration and Refugee Assistance", $53,400,000 (increased by $50,000,000), to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS~~

~~For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $17,100,000, to remain available until September 30, 2006. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~MILITARY ASSISTANCE~~

~~FUNDS APPROPRIATED TO THE PRESIDENT~~

~~FOREIGN MILITARY FINANCING PROGRAM~~

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

~~PEACEKEEPING OPERATIONS~~

~~For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2006. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

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

~~(RESCISSION)~~

~~SEC. 2102. The unexpended balance appropriated by Public Law 108–11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.~~

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

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

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

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

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

~~to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this chapter until all funds have been fully expended.~~

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

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

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

~~(1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities;~~

~~(2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services;~~

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

~~(4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance;~~

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

~~(6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors.~~

~~*Provided,* That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report. *Provided further,* That up to $5,000,000 of the funds made available for assistance to the West Bank and Gaza by this title under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority. *Provided further,* That the waiver authority of section 550(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may not be exercised with respect to funds appropriated for assistance to the Palestinians under this chapter. *Provided further,* That the waiver detailed in Presidential Determination 2005–10 issued on December 8, 2004, shall not be extended to funds appropriated under this chapter.~~

~~CHAPTER 2~~

~~DEPARTMENT OF STATE AND RELATED AGENCY~~

~~DEPARTMENT OF STATE~~

~~ADMINISTRATION OF FOREIGN AFFAIRS~~

~~DIPLOMATIC AND CONSULAR PROGRAMS~~

~~For an additional amount for "Diplomatic and Consular Programs", $748,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE~~

~~For an additional amount for "Embassy Security, Construction, and Maintenance", $592,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~INTERNATIONAL ORGANIZATIONS~~

~~CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For an additional amount for "Contributions for International Peacekeeping Activities", $580,000,000, to remain available until September 30, 2006. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress). *Provided further*, That up to $55,000,000 provided under this heading may be transferred to "Peacekeeping Operations", to be available for costs of establishing and operating a Sudan war crimes tribunal.~~

~~RELATED AGENCY~~

~~BROADCASTING BOARD OF GOVERNORS~~

~~INTERNATIONAL BROADCASTING OPERATIONS~~

~~For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the~~

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

~~CHAPTER 3~~

~~DEPARTMENT OF AGRICULTURE~~

~~FOREIGN AGRICULTURAL SERVICE~~

~~PUBLIC LAW 480 TITLE II GRANTS~~

~~For an additional amount for "Public Law 480 Title II Grants", $150,000,000, to remain available until expended: *Provided,* That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR~~

~~CHAPTER 1~~

~~DEPARTMENT OF ENERGY~~

~~NATIONAL NUCLEAR SECURITY ADMINISTRATION~~

~~DEFENSE NUCLEAR NONPROLIFERATION~~

~~For an additional amount for "Defense Nuclear Nonproliferation", $110,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~CHAPTER 2~~

~~DEPARTMENT OF HOMELAND SECURITY~~

~~UNITED STATES COAST GUARD~~

~~OPERATING EXPENSES~~

~~For an additional amount for "Operating Expenses", $111,950,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS~~

~~For an additional amount for "Acquisition, Construction, and Improvements", $49,200,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~CHAPTER 3~~

~~DEPARTMENT OF JUSTICE~~

~~FEDERAL BUREAU OF INVESTIGATION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses", $78,970,000: *Provided*, That the amounts provided under this heading are designated as an emergency~~

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

~~DRUG ENFORCEMENT ADMINISTRATION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses," $7,648,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~TITLE IV—INDIAN OCEAN TSUNAMI RELIEF~~

~~CHAPTER 1~~

~~FUNDS APPROPRIATED TO THE PRESIDENT~~

~~OTHER BILATERAL ASSISTANCE~~

~~TSUNAMI RECOVERY AND RECONSTRUCTION FUND~~

~~(INCLUDING TRANSFERS OF FUNDS)~~

~~For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004, and for other purposes, $656,000,000 (increased by $3,000,000), to remain available until September 30, 2006: *Provided*, That these funds may be transferred by the Secretary of State to any Federal agency or account for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade~~

~~Development and Assistance Act of 1954, 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 funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with the Development Credit Authority for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $15,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United~~

~~States Agency for International Development in furtherance of the purposes of this heading; up to $500,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development, Office of Inspector General"; and up to $5,000,000 may be transferred to and consolidated with "Administration of Foreign Affairs Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for U.S. citizen victims and related operations.~~

~~GENERAL PROVISION~~

~~SEC. 4101. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 to address relief and rehabilitation needs for countries affected by the tsunami and earthquake of December 2004, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.~~

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

~~may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.~~

~~CHAPTER 2~~

~~DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE~~

~~OPERATION AND MAINTENANCE, NAVY~~

~~For an additional amount for "Operation and Maintenance, Navy", $124,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the~~

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

~~OPERATION AND MAINTENANCE, MARINE CORPS~~

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

~~OPERATION AND MAINTENANCE, AIR FORCE~~

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

~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~

~~For an additional amount for "Operation and Maintenance, Defense-Wide", $29,150,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID~~

~~For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $36,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~CHAPTER 3~~

~~DEPARTMENT OF DEFENSE~~

~~DEFENSE HEALTH PROGRAM~~

~~For an additional amount for "Defense Health Program", $3,600,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~CHAPTER 4~~

~~DEPARTMENT OF HOMELAND SECURITY~~

~~UNITED STATES COAST GUARD~~

~~OPERATING EXPENSES~~

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

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

~~CHAPTER 5~~

~~DEPARTMENT OF THE INTERIOR~~

~~UNITED STATES GEOLOGICAL SURVEY~~

~~SURVEYS, INVESTIGATIONS, AND RESEARCH~~

~~For an additional amount for "Surveys, Investigations, and Research", $8,100,000, to remain available until September 30, 2006. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~CHAPTER 6~~

~~DEPARTMENT OF COMMERCE~~

~~NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION~~

~~OPERATIONS, RESEARCH, AND FACILITIES~~

~~For an additional amount for "Operations, Research, and Facilities", $4,830,000, to remain available until September 30, 2006, for United States tsunami warning capabilities and operations. *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~PROCUREMENT, ACQUISITION AND CONSTRUCTION~~

~~For an additional amount for "Procurement, Acquisition and Construction", $9,670,000, to remain available until September 30, 2007, for United States tsunami warning capabilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).~~

~~TITLE V—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS~~

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

~~(INCLUDING TRANSFERS OF FUNDS)~~

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

~~tween the following appropriations, in the amounts specified:~~

~~To:~~

~~Under the heading, "Research, Development, Test and Evaluation, Air Force, 2005/2006", $500,000;~~

~~From:~~

~~Under the heading, "Other Procurement, Air Force", $500,000.~~

~~To:~~

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

~~From:~~

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

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

~~SEC. 5004. The last proviso under the heading "Operation and Maintenance" in title I of division C of Public~~

~~Law 108–447 is amended by striking "Public Law 108–357" and inserting "Public Law 108–137".~~

~~SEC. 5005. Section 101 of title I of division C of Public Law 108–447 is amended by striking "per project" and all that follows through the period at the end and inserting "for all applicable programs and projects not to exceed $80,000,000 in each fiscal year.".~~

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

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

~~(1) inserting "to be derived from the Nuclear Waste Fund and" after "$346,000,000,"; and~~

~~(2) striking "to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act" and inserting "to participate~~

~~in licensing activities and other appropriate activities pursuant to the Act''.~~

~~SEC. 5008. Section 144(b)(2) of title I of division E of Public Law 108–447 is amended by striking ''September 24, 2004'' and inserting ''November 12, 2004''.~~

~~SEC. 5009. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement''—~~

~~(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read ''Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative'';~~

~~(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read ''Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program'';~~

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

~~fort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read "Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth";~~

~~(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read "Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program";~~

~~(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read "Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School";~~

~~(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to~~

~~read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)";~~

~~(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read "QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history";~~

~~(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read "The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO";~~

~~(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read "Chester Economic Development Authority, Chester, PA for a community arts program";~~

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

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

~~(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce "Educating America", a documentary about the challenges facing our public schools shall be deemed to read "Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools";~~

~~(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read "American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar"; and~~

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

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

~~Law 108–447, House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—~~

~~(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read "University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students";~~

~~(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read "Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities";~~

~~(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read "University of Alaska System Office to develop distance education~~

~~coursework for arctic engineering courses and programs''; and~~

~~(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read ''Moberly Area Community College, Moberly, MO for equipment and technology''.~~

~~SEC. 5011. The matter under the heading ''Corporation for National and Community Service—National and Community Service Programs Operating Expenses'' in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: ''. *Provided further*, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers''.~~

~~SEC. 5012. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period ''and section 303 of Public Law 108–422''.~~

~~SEC. 5013. Section 117 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by striking ''that are deposited into the~~

~~Medical Care Collections Fund may be transferred and merged with'' and inserting ''may be deposited into the''.~~

~~SEC. 5014. Section 1703(d)(2) of title 38, United States Code, is amended by striking ''shall be available for the purposes'' and inserting ''shall be available, without fiscal limitation, for the purposes''.~~

~~SEC. 5015. Section 621 of title VI of division B of Public Law 108–199 is amended by striking ''of passenger, cargo and other aviation services''.~~

~~SEC. 5016. Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking ''Asheville-Buncombe Technical Community College'' and inserting ''the International Small Business Institute''.~~

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

~~(b) Section 621 of title VI of division B of Public Law 108–199, as amended by Public Law 108–447, is amended by striking '', for the continued modernization of the Mason Building''.~~

~~SEC. 5018. The Department of Justice may transfer funds from any Department of Justice account to ''Detention Trustee''. *Provided*, That the notification requirement in section 605(b) of title VI of division B of Public Law 108–447 shall remain in effect for any such transfers.~~

~~SEC. 5019. The referenced statement of managers under the heading "Community Development Fund" in title II of division K of Public Law 108–7 is deemed to be amended—~~

~~(1) with respect to item number 39 by striking "Conference and Workforce Center in Harrison, Arkansas" and inserting "in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center"; and~~

~~(2) with respect to item number 316 by striking "for renovation of a visitor center to accommodate a Space and Flight Center" and inserting "to build-out the Prince George's County Economic Development and Business Assistance Center".~~

~~SEC. 5020. The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108–199 is deemed to be amended—~~

~~(1) with respect to item number 56 by striking "Conference and Training Center" and inserting "North Arkansas College Health Sciences Education Center";~~

~~(2) with respect to item number 102 by striking "to the Town of Groveland, California for purchase of a youth center" and inserting "to the County of~~

~~Tuolomne for the purchase of a new youth center in the mountain community of Groveland'';~~

~~(3) with respect to item number 218 by striking ''for construction'' and inserting ''for design and engineering'';~~

~~(4) with respect to item number 472 by striking ''for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood'' and inserting ''for streetscape renovation''; and~~

~~(5) with respect to item number 493 by striking ''for land acquisition'' and inserting ''for planning and design of its Sports and Recreation Center and Education Complex''.~~

~~SEC. 5021. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended as follows—~~

~~(1) with respect to item number 706 by striking ''a public swimming pool'' and inserting ''recreation fields'';~~

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

~~inserting "to the County of Appomattox, Virginia for renovation of the Carver-Price building";~~

~~(3) with respect to item number 668 by striking "for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery" and inserting "for The Prizery in South Boston, Virginia for renovations and creation of a community arts center";~~

~~(4) with respect to item number 669 by striking "for the City of Moneta, Virginia for facilities construction and renovations of an art, education, and community outreach center" and inserting "for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations";~~

~~(5) with respect to item number 910 by striking "repairs to" and inserting "renovation and construction of"; and~~

~~(6) with respect to item number 902 by striking "City of Brooklyn" and inserting "Fifth Ave Committee in Brooklyn".~~

~~SEC. 5022. Section 308 of division B of Public Law 108–447 is amended by striking all after the words "shall be deposited", and inserting "as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain~~

~~available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.''.~~

~~SEC. 5023. Section 198 of division H of Public Law 108–447 is amended by inserting ''under title 23 of the United States Code'' after ''law''.~~

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

~~(1) Section 331 is amended as follows:~~

~~(A) in the first sentence by striking the word ''$15,000,000'' and inserting ''$42,000,000, to remain available until expended,'' in its place; and~~

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

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

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

1 ~~"SEC. 348. The amount appropriated by this Act may~~
2 ~~be increased by an additional amount of $206,736,000 (in-~~
3 ~~cluding $49,927,000 from local funds and $156,809,000~~
4 ~~from other funds) to be transferred by the Mayor of the~~
5 ~~District of Columbia to the various headings under this~~
6 ~~Act as follows:~~
7 ~~"(1) $174,927,000 (including $34,927,000~~
8 ~~from local funds, and $140,000,000 from other~~
9 ~~funds) shall be transferred under the heading 'Gov-~~
10 ~~ernment Direction and Support'. *Provided,* That of~~
11 ~~the funds, $33,000,000 from local funds shall re-~~
12 ~~main available until expended. *Provided further,*~~
13 ~~That of the funds, $140,000,000 from other funds~~
14 ~~shall remain available until expended and shall only~~
15 ~~be available in conjunction with revenue from a pri-~~
16 ~~vate or alternative financing proposal approved pur-~~
17 ~~suant to section 106 of DC Act 15–717, the 'Ball-~~
18 ~~park Omnibus Financing and Revenue Act of 2004'~~
19 ~~approved by the District of Columbia, December 29,~~
20 ~~2004, and~~
21 ~~"(2) $15,000,000 from local funds shall be~~
22 ~~transferred under the heading 'Repayment of Loans~~
23 ~~and Interest', and~~

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

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

~~TITLE VI—~~

~~HUMANITARIAN ASSISTANCE CODE OF CONDUCT~~

~~SEC. 6001. SHORT TITLE.~~

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

~~SEC. 6002. CODE OF CONDUCT FOR THE PROTECTION OF BENEFICIARIES OF HUMANITARIAN ASSISTANCE.~~

~~(a) PROHIBITION.—None of the funds made available for foreign operations, export financing, and related programs under the headings "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", "International Disaster and Famine Assistance", or "Transition Initiatives" may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.~~

1 ~~(b) SIX CORE PRINCIPLES.—The code of conduct re-~~
2 ~~ferred to in subsection (a) shall, to the maximum extent~~
3 ~~practicable, be consistent with the following six core prin-~~
4 ~~ciples of the United Nations Inter-Agency Standing Com-~~
5 ~~mittee Task Force on Protection From Sexual Exploi-~~
6 ~~tation and Abuse in Humanitarian Crises:~~
7 ~~(1) "Sexual exploitation and abuse by humani-~~
8 ~~tarian workers constitute acts of gross misconduct~~
9 ~~and are therefore grounds for termination of employ-~~
10 ~~ment.".~~
11 ~~(2) "Sexual activity with children (persons~~
12 ~~under the age of 18) is prohibited regardless of the~~
13 ~~age of majority or age of consent locally. Mistaken~~
14 ~~belief regarding the age of a child is not a defense.".~~
15 ~~(3) "Exchange of money, employment, goods, or~~
16 ~~services for sex, including sexual favors or other~~
17 ~~forms of humiliating, degrading or exploitative be-~~
18 ~~havior, is prohibited. This includes exchange of as-~~
19 ~~sistance that is due to beneficiaries.".~~
20 ~~(4) "Sexual relationships between humanitarian~~
21 ~~workers and beneficiaries are strongly discouraged~~
22 ~~since they are based on inherently unequal power dy-~~
23 ~~namics. Such relationships undermine the credibility~~
24 ~~and integrity of humanitarian aid work.".~~

~~(5) "Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.".~~

~~(6) "Humanitarian agencies are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.".~~

~~SEC. 6003. REPORT.~~

~~Not later than 180 days after the date of the enactment of this Act, and not later than one year after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a detailed report on the implementation of this title.~~

~~SEC. 6004. EFFECTIVE DATE; APPLICABILITY.~~

~~This title—~~

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

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

~~(A) for fiscal year 2005; and~~

~~(B) any subsequent fiscal year.~~

~~TITLE VII—ADDITIONAL GENERAL PROVISIONS~~

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

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

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

~~(1) Section 2340A of title 18, United States Code.~~

~~(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of~~

~~Federal Regulations, and part 95 of title 22, Code of Federal Regulations.~~

~~This division may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".~~

~~DIVISION B—REAL ID ACT OF 2005~~

~~SECTION 1. SHORT TITLE.~~

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

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

~~SEC. 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.~~

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

~~(1) by striking "The Attorney General" the first place such term appears and inserting the following:~~

~~"(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General";~~

~~(2) by striking "the Attorney General" the second and third places such term appears and insert-~~

1 ~~ing "the Secretary of Homeland Security or the At-~~
2 ~~torney General"; and~~
3 ~~(3) by adding at the end the following:~~
4 ~~"(B) BURDEN OF PROOF.—~~
5 ~~"(i) IN GENERAL.—The burden of~~
6 ~~proof is on the applicant to establish that~~
7 ~~the applicant is a refugee, within the~~
8 ~~meaning of section 101(a)(42)(A). To es-~~
9 ~~tablish that the applicant is a refugee with-~~
10 ~~in the meaning of such section, the appli-~~
11 ~~cant must establish that race, religion, na-~~
12 ~~tionality, membership in a particular social~~
13 ~~group, or political opinion was or will be a~~
14 ~~central reason for persecuting the appli-~~
15 ~~cant.~~
16 ~~"(ii) SUSTAINING BURDEN.—The tes-~~
17 ~~timony of the applicant may be sufficient~~
18 ~~to sustain the applicant's burden without~~
19 ~~corroboration, but only if the applicant sat-~~
20 ~~isfies the trier of fact that the applicant's~~
21 ~~testimony is credible, is persuasive, and re-~~
22 ~~fers to specific facts sufficient to dem-~~
23 ~~onstrate that the applicant is a refugee. In~~
24 ~~determining whether the applicant has met~~
25 ~~the applicant's burden, the trier of fact~~

~~may weigh the credible testimony along with other evidence of record. Where the trier of fact determines, in the trier of fact's discretion, that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence without departing the United States. The inability to obtain corroborating evidence does not excuse the applicant from meeting the applicant's burden of proof.~~

~~"(iii) CREDIBILITY DETERMINATION.—The trier of fact should consider all relevant factors and may, in the trier of fact's discretion, base the trier of fact's credibility determination on any such factor, including the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not made under oath), the in-~~

~~ternal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility.''.~~

~~(b) WITHHOLDING OF REMOVAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended by adding at the end the following:~~

~~''(C) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A), the trier of fact shall determine whether the alien has sustained the alien's burden of proof, and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 208(b)(1)(B).''.~~

~~(c) OTHER REQUESTS FOR RELIEF FROM REMOVAL.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1230(c)) is amended—~~

~~(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and~~

~~(2) by inserting after paragraph (3) the following:~~

~~"(4) APPLICATIONS FOR RELIEF FROM REMOVAL.—~~

~~"(A) IN GENERAL.—An alien applying for relief or protection from removal has the burden of proof to establish that the alien—~~

~~"(i) satisfies the applicable eligibility requirements; and~~

~~"(ii) with respect to any form of relief that is granted in the exercise of discretion, that the alien merits a favorable exercise of discretion.~~

~~"(B) SUSTAINING BURDEN.—The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the appli-~~

~~cant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden, the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines in the judge's discretion that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence without departing from the United States. The inability to obtain corroborating evidence does not excuse the applicant from meeting the burden of proof.~~

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

~~inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not made under oath), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility.''.~~

~~(d) STANDARD OF REVIEW FOR ORDERS OF REMOVAL.—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding at the end, after subparagraph (D), the following: ''No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence, as described in section 208(b)(1)(B), 240(c)(4)(B), or 241(b)(3)(C), unless the court finds that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable.''.~~

1 ~~(e) CLARIFICATION OF DISCRETION.—Section~~
2 ~~242(a)(2)(B) of the Immigration and Nationality Act (8~~
3 ~~U.S.C. 1252(a)(2)(B)) is amended—~~
4 ~~(1) by inserting "or the Secretary of Homeland~~
5 ~~Security" after "Attorney General" each place such~~
6 ~~term appears; and~~
7 ~~(2) in the matter preceding clause (i), by insert-~~
8 ~~ing "and regardless of whether the judgment, deci-~~
9 ~~sion, or action is made in removal proceedings," ~~
10 ~~after "other provision of law,".~~
11 ~~(f) REMOVAL OF CAPS.—Section 209 of the Immigra-~~
12 ~~tion and Nationality Act (8 U.S.C. 1159) is amended—~~
13 ~~(1) in subsection (a)(1)—~~
14 ~~(A) by striking "Service" and inserting~~
15 ~~"Department of Homeland Security"; and~~
16 ~~(B) by striking "Attorney General" each~~
17 ~~place such term appears and inserting "Sec-~~
18 ~~retary of Homeland Security or the Attorney~~
19 ~~General";~~
20 ~~(2) in subsection (b)—~~
21 ~~(A) by striking "Not more" and all that~~
22 ~~follows through "asylum who—" and inserting~~
23 ~~"The Secretary of Homeland Security or the~~
24 ~~Attorney General, in the Secretary's or the At-~~
25 ~~torney General's discretion and under such reg-~~

~~ulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—"; and~~

~~(B) in the matter following paragraph (5), by striking "Attorney General" and inserting "Secretary of Homeland Security or the Attorney General"; and~~

~~(3) in subsection (c), by striking "Attorney General" and inserting "Secretary of Homeland Security or the Attorney General".~~

~~(g) EFFECTIVE DATES.—~~

~~(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as if enacted on March 1, 2003.~~

~~(2) The amendments made by subsections (a)(3), (b), and (c) shall take effect on the date of the enactment of this division and shall apply to applications for asylum, withholding, or other removal made on or after such date.~~

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

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

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

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

(h) REPEAL.—Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 102. WAIVER OF LAWS NECESSARY FOR IMPROVEMENT OF BARRIERS AT BORDERS.

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

"(c) WAIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive, and shall waive, all laws such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section.

1 ~~"(2) NO JUDICIAL REVIEW.—Notwithstanding~~
2 ~~any other provision of law (statutory or nonstatu-~~
3 ~~tory), no court, administrative agency, or other enti-~~
4 ~~ty shall have jurisdiction—~~
5 ~~"(A) to hear any cause or claim arising~~
6 ~~from any action undertaken, or any decision~~
7 ~~made, by the Secretary of Homeland Security~~
8 ~~pursuant to paragraph (1); or~~
9 ~~"(B) to order compensatory, declaratory,~~
10 ~~injunctive, equitable, or any other relief for~~
11 ~~damage alleged to arise from any such action or~~
12 ~~decision.".~~
13 **~~SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TER-~~**
14 **~~RORIST-RELATED ACTIVITIES.~~**
15 ~~(a) IN GENERAL.—So much of section~~
16 ~~212(a)(3)(B)(i) of the Immigration and Nationality Act~~
17 ~~(8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence~~
18 ~~is amended to read as follows:~~
19 ~~"(i) IN GENERAL.—Any alien who—~~
20 ~~"(I) has engaged in a terrorist~~
21 ~~activity;~~
22 ~~"(II) a consular officer, the At-~~
23 ~~torney General, or the Secretary of~~
24 ~~Homeland Security knows, or has rea-~~
25 ~~sonable ground to believe, is engaged~~

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

~~"(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;~~

~~"(IV) is a representative (as defined in clause (v)) of—~~

~~"(aa) a terrorist organization (as defined in clause (vi)); or~~

~~"(bb) a political, social, or other group that endorses or espouses terrorist activity;~~

~~"(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);~~

~~"(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;~~

1 ~~"(VII) endorses or espouses ter-~~
2 ~~rorist activity or persuades others to~~
3 ~~endorse or espouse terrorist activity or~~
4 ~~support a terrorist organization;~~
5 ~~"(VIII) has received military-type~~
6 ~~training (as defined in section~~
7 ~~2339D(c)(1) of title 18, United States~~
8 ~~Code) from or on behalf of any orga-~~
9 ~~nization that, at the time the training~~
10 ~~was received, was a terrorist organiza-~~
11 ~~tion (as defined in clause (vi)); or~~
12 ~~"(IX) is the spouse or child of an~~
13 ~~alien who is inadmissible under this~~
14 ~~subparagraph, if the activity causing~~
15 ~~the alien to be found inadmissible oc-~~
16 ~~curred within the last 5 years,~~
17 ~~is inadmissible.".~~
18 ~~(b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—~~
19 ~~Section 212(a)(3)(B)(iv) of the Immigration and Nation-~~
20 ~~ality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read~~
21 ~~as follows:~~
22 ~~"(iv) ENGAGE IN TERRORIST ACTIVITY~~
23 ~~DEFINED.—As used in this Act, the term~~
24 ~~'engage in terrorist activity' means, in an~~

~~individual capacity or as a member of an organization—~~

~~"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;~~

~~"(II) to prepare or plan a terrorist activity;~~

~~"(III) to gather information on potential targets for terrorist activity;~~

~~"(IV) to solicit funds or other things of value for—~~

~~"(aa) a terrorist activity;~~

~~"(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or~~

~~"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;~~

1 ~~"(V) to solicit any individual—~~

2 ~~"(aa) to engage in conduct~~

3 ~~otherwise described in this sub-~~

4 ~~section;~~

5 ~~"(bb) for membership in a~~

6 ~~terrorist organization described~~

7 ~~in clause (vi)(I) or (vi)(II); or~~

8 ~~"(cc) for membership in a~~

9 ~~terrorist organization described~~

10 ~~in clause (vi)(III) unless the so-~~

11 ~~licitor can demonstrate by clear~~

12 ~~and convincing evidence that he~~

13 ~~did not know, and should not~~

14 ~~reasonably have known, that the~~

15 ~~organization was a terrorist orga-~~

16 ~~nization; or~~

17 ~~"(VI) to commit an act that the~~

18 ~~actor knows, or reasonably should~~

19 ~~know, affords material support, in-~~

20 ~~cluding a safe house, transportation,~~

21 ~~communications, funds, transfer of~~

22 ~~funds or other material financial ben-~~

23 ~~efit, false documentation or identifica-~~

24 ~~tion, weapons (including chemical, bi-~~

~~ological, or radiological weapons), explosives, or training—~~

~~"(aa) for the commission of a terrorist activity;~~

~~"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;~~

~~"(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or~~

~~"(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.~~

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

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

~~(c) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as follows:~~

~~''(vi) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—~~

~~''(I) designated under section 219;~~

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

~~ganization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or~~

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

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

~~(1) removal proceedings instituted before, on, or after the date of the enactment of this division; and~~

~~(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.~~

~~SEC. 104. REMOVAL OF TERRORISTS.~~

~~(a) IN GENERAL.—~~

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

~~"(B) TERRORIST ACTIVITIES.—Any alien who is described in subparagraph (B) or (F) of section 212(a)(3) is deportable.".~~

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

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

~~(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.~~

~~(b) REPEAL.—Effective as of the date of the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), section 5402 of such Act is repealed, and the Immigration and Nationality Act shall be applied as if such section had not been enacted.~~

~~SEC. 105. JUDICIAL REVIEW OF ORDERS OF REMOVAL.~~

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

~~(1) in subsection (a)—~~

~~(A) in paragraph (2)—~~

~~(i) in subparagraph (A), by inserting "(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title" after "Notwithstanding any other provision of law";~~

~~(ii) in each of subparagraphs (B) and (C), by inserting "(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in subparagraph (D)" after "Notwithstanding any other provision of law"; and~~

~~(iii) by adding at the end the following:~~

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

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

(B) by adding at the end the following:

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

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

~~sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act, except as provided in subsection (e). For purposes of this Act, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms 'judicial review' and 'jurisdiction to review' include habeas corpus review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).'';~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (3)(B), by inserting ''pursuant to subsection (f)'' after ''unless''; and~~

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

~~(3) in subsection (g), by inserting "(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title" after "notwithstanding any other provision of law".~~

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

~~(c) TRANSFER OF CASES.—If an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, or under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note). The court of appeals shall treat the transferred case as~~

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

(d) TRANSITIONAL RULE CASES.—A petition for review filed under former section 106(a) of the Immigration and Nationality Act (as in effect before its repeal by section 306(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1252 note)) shall be treated as if it had been filed as a petition for review under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, such petition for review shall be the sole and exclusive means for judicial review of an order of deportation or exclusion.

SEC. 106. DELIVERY BONDS.

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

(1) DELIVERY BOND.—The term "delivery bond" means a written suretyship undertaking for the surrender of an individual against whom the Department of Homeland Security has issued an order to show cause or a notice to appear, the performance

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

~~(2) PRINCIPAL.—The term "principal" means an individual who is the subject of a bond.~~

~~(3) SURETYSHIP UNDERTAKING.—The term "suretyship undertaking" means a written agreement, executed by a bonding agent on behalf of a surety, which binds all parties to its certain terms and conditions and which provides obligations for the principal and the surety while under the bond and penalties for forfeiture to ensure the obligations of the principal and the surety under the agreement.~~

~~(4) BONDING AGENT.—The term "bonding agent" means any individual properly licensed, approved, and appointed by power of attorney to execute or countersign surety bonds in connection with any matter governed by the Immigration and Nationality Act as amended (8 U.S.C. 1101, et seq.), and who receives a premium for executing or countersigning such surety bonds.~~

~~(5) SURETY.—The term "surety" means an entity, as defined by, and that is in compliance with, sections 9304 through 9308 of title 31, United States Code, that agrees—~~

~~(A) to guarantee the performance, where appropriate, of the principal under a bond;~~

~~(B) to perform the bond as required; and~~

~~(C) to pay the face amount of the bond as a penalty for failure to perform.~~

~~(b) VALIDITY, AGENT NOT CO-OBLIGOR, EXPIRATION, RENEWAL, AND CANCELLATION OF BONDS.—~~

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

~~(A) state the full, correct, and proper name of the alien principal;~~

~~(B) state the amount of the bond;~~

~~(C) are guaranteed by a surety and countersigned by an agent who is properly appointed;~~

~~(D) bond documents are properly executed; and~~

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

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

~~agent of a corporate surety shall be required to execute bonds as a co-obligor, party, or guarantor in an individual capacity on bonds provided by the corporate surety, nor shall a corporate surety bond be refused if the corporate surety appears on the current Treasury Department Circular 570 as a company holding a certificate of authority as an acceptable surety on Federal bonds and attached to the bond is a currently valid instrument showing the authority of the bonding agent of the surety company to execute the bond.''.~~

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

~~(A) 1 year from the date of issue;~~

~~(B) at the cancellation of the bond or surrender of the principal; or~~

~~(C) immediately upon nonpayment of the renewal premium.~~

~~(4) RENEWAL.—Delivery bonds may be renewed annually, with payment of proper premium to the surety, if there has been no breach of conditions, default, claim, or forfeiture of the bond. Notwithstanding any renewal, when the alien is surrendered to the Secretary of Homeland Security for removal, the Secretary shall cause the bond to be canceled.~~

~~(5) CANCELLATION.—Delivery bonds shall be canceled and the surety exonerated—~~

~~(A) for nonrenewal after the alien has been surrendered to the Department of Homeland Security for removal;~~

~~(B) if the surety or bonding agent provides reasonable evidence that there was misrepresentation or fraud in the application for the bond;~~

~~(C) upon the death or incarceration of the principal, or the inability of the surety to produce the principal for medical reasons;~~

~~(D) if the principal is detained by any law enforcement agency of any State, county, city, or any politial subdivision thereof;~~

~~(E) if it can be established that the alien departed the United States of America for any reason without permission of the Secretary of Homeland Security, the surety, or the bonding agent;~~

~~(F) if the foreign state of which the principal is a national is designated pursuant to section 244 of the Act (8 U.S.C. 1254a) after the bond is posted; or~~

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

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

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

~~(B) FORFEITURE OF BOND PREMIUM.—A principal may be surrendered without the return of any bond premium if the principal—~~

~~(i) changes address without notifying the surety, the bonding agent, and the Secretary of Homeland Security in writing prior to such change;~~

~~(ii) hides or is concealed from a surety, a bonding agent, or the Secretary;~~

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

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

~~otherwise violates any other obligation or condition of the bond established by the Secretary.~~

~~(7) CERTIFIED COPY OF BOND AND ARREST WARRANT TO ACCOMPANY SURRENDER.—~~

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

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

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

~~(iii) shall have the right to pursue, apprehend, detain, and surrender the principal, together with certified copies of the arrest warrant and the bond undertaking, to any Department of Homeland Security detention official or Department detention facility or any detention facility authorized to hold Federal detainees.~~

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

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

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

~~(8) FORM OF BOND.—Delivery bonds shall in all cases state the following and be secured by a corporate surety that is certified as an acceptable surety on Federal bonds and whose name appears on the current Treasury Department Circular 570:~~

~~"(A) BREACH OF BOND; PROCEDURE, FORFEITURE, NOTICE.—~~

~~"(i) If a principal violates any conditions of the delivery bond, or the principal is or becomes subject to a final administrative order of deportation or removal, the Secretary of Homeland Security shall—~~

~~"(I) immediately issue a warrant for the principal's arrest and enter that arrest warrant into the National~~

~~Crime Information Center (NCIC) computerized information database;~~

~~"(II) order the bonding agent and surety to take the principal into custody and surrender the principal to any one of 10 designated Department of Homeland Security 'turn-in' centers located nationwide in the areas of greatest need, at any time of day during 15 months after mailing the arrest warrant and the order to the bonding agent and the surety as required by subclause (III), and immediately enter that order into the National Crime Information Center (NCIC) computerized information database; and~~

~~"(III) mail 2 certified copies each of the arrest warrant issued pursuant to subclause (I) and 2 certified copies each of the order issued pursuant to subclause (II) to only the bonding agent and surety via certified mail return receipt to their last known addresses.~~

1 ~~"(ii) Bonding agents and sureties~~
2 ~~shall immediately notify the Secretary of~~
3 ~~Homeland Security of their changes of ad-~~
4 ~~dress and/or telephone numbers.~~
5 ~~"(iii) The Secretary of Homeland Se-~~
6 ~~curity shall establish, disseminate to bond-~~
7 ~~ing agents and sureties, and maintain on a~~
8 ~~current basis a secure nationwide toll-free~~
9 ~~list of telephone numbers of Department of~~
10 ~~Homeland Security officials, including the~~
11 ~~names of such officials, that bonding~~
12 ~~agents, sureties, and their employees may~~
13 ~~immediately contact at any time to discuss~~
14 ~~and resolve any issue regarding any prin-~~
15 ~~cipal or bond, to be known as 'Points of~~
16 ~~Contact'.~~
17 ~~"(iv) A bonding agent or surety shall~~
18 ~~have full and complete access, free of~~
19 ~~charge, to any and all information, elec-~~
20 ~~tronic or otherwise, in the care, custody,~~
21 ~~and control of the United States Govern-~~
22 ~~ment or any State or local government or~~
23 ~~any subsidiary or police agency thereof re-~~
24 ~~garding the principal that may be helpful~~
25 ~~in complying with section 105 of the~~

~~REAL ID Act of 2005 that the Secretary of Homeland Security, by regulations subject to approval by Congress, determines may be helpful in locating or surrendering the principal. Beyond the principal, a bonding agent or surety shall not be required to disclose any information, including but not limited to the arrest warrant and order, received from any governmental source, any person, firm, corporation, or other entity.~~

~~"(v) If the principal is later arrested, detained, or otherwise located outside the United States and the outlying possessions of the United States (as defined in section 101(a) of the Immigration and Nationality Act), the Secretary of Homeland Security shall—~~

~~"(I) immediately order that the surety is completely exonerated, and the bond canceled; and~~

~~"(II) if the Secretary of Homeland Security has issued an order under clause (i), the surety may request, by written, properly filed mo-~~

~~tion, reinstatement of the bond. This subclause may not be construed to prevent the Secretary of Homeland Security from revoking or resetting a bond at a higher amount.~~

~~"(vi) The bonding agent or surety must—~~

~~"(I) during the 15 months after the date the arrest warrant and order were mailed pursuant to clause (i)(III) surrender the principal one time; or~~

~~"(II)(aa) provide reasonable evidence that producing the principal was prevented—~~

~~"(aaa) by the principal's illness or death;~~

~~"(bbb) because the principal is detained in custody in any city, State, country, or any political subdivision thereof;~~

~~"(ccc) because the principal has left the United States or its outlying possessions (as defined in section 101(a) of the Immigra-~~

~~tion and Nationality Act (8 U.S.C. 1101(a)); or~~

~~"(ddd) because required notice was not given to the bonding agent or surety; and~~

~~"(bb) establish by affidavit that the inability to produce the principal was not with the consent or connivance of the bonding agent or surety.~~

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

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

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

~~"(x) If compliance occurs 24 months or more after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 100 percent of the face amount of the bond shall be assessed as a penalty against the surety.~~

~~"(xi) If any surety surrenders any principal to the Secretary of Homeland Security at any time and place after the period for compliance has passed, the Secretary of Homeland Security shall cause to be issued to that surety an amount equal to 50 percent of the face amount of the bond: *Provided, however,* That if that surety owes any penalties on bonds to the United States, the amount that surety~~

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

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

~~"(B) The Secretary of Homeland Security may waive penalties or extend the period for payment or both, if—~~

~~"(i) a written request is filed with the Secretary of Homeland Security; and~~

~~"(ii) the bonding agent or surety provides an affidavit that diligent efforts were made to effect compliance of the principal.~~

~~"(C) COMPLIANCE; EXONERATION; LIMITATION OF LIABILITY.—~~

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

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

~~"(ii) EXONERATION.—Upon satisfying any of the requirements of the bond, the surety shall be completely exonerated.~~

~~"(iii) LIMITATION OF LIABILITY.—Notwithstanding any other provision of law, the total liability on any surety undertaking shall not exceed the face amount of the bond.".~~

~~(c) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this division and shall apply to bonds and surety undertakings executed before, on, or after the date of the enactment of this division.~~

~~SEC. 107. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.~~

~~(a) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:~~

~~"(2) subject to such reasonable regulations as the Secretary of Homeland Security may prescribe, shall permit agents, servants, and employees of corporate sureties to visit in person with individuals detained by the Secretary of and, subject to section~~

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

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

~~(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this division.~~

~~SEC. 108. DETENTION OF ALIENS DELIVERED BY BONDSMEN.~~

~~(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following:~~

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

of removal, and cancel any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond whether or not the Department of Homeland Security accepts custody of the alien. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.''.

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

TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) DRIVER'S LICENSE.—The term ''driver's license'' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

(2) IDENTIFICATION CARD.—The term ''identification card'' means a personal identification card,

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

~~(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.~~

~~(4) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.~~

~~SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.~~

~~(a) MINIMUM STANDARDS FOR FEDERAL USE.—~~

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

~~(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary of Transportation. Such certifications shall be made at such~~

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

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

~~(1) The person's full legal name.~~

~~(2) The person's date of birth.~~

~~(3) The person's gender.~~

~~(4) The person's driver's license or identification card number.~~

~~(5) A digital photograph of the person.~~

~~(6) The person's address of principle residence.~~

~~(7) The person's signature.~~

~~(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.~~

~~(9) A common machine-readable technology, with defined minimum data elements.~~

~~(c) MINIMUM ISSUANCE STANDARDS.—~~

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

~~mation before issuing a driver's license or identification card to a person:~~

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

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

~~(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.~~

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

~~(2) SPECIAL REQUIREMENTS.—~~

~~(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.~~

~~(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—~~

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

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

~~(iii) has conditional permanent resident status in the United States;~~

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

~~(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;~~

~~(vi) has a pending application for asylum in the United States;~~

~~(vii) has a pending or approved application for temporary protected status in the United States;~~

~~(viii) has approved deferred action status; or~~

~~(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.~~

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

~~(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.~~

~~(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.~~

~~(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.~~

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

~~which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.~~

~~(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:~~

~~(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).~~

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

~~(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a~~

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

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

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

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

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

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

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

~~er's license or identification card, the State shall resolve the discrepancy and take appropriate action.~~

~~(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.~~

~~(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.~~

~~(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.~~

~~(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.~~

~~(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.~~

~~SEC. 203. LINKING OF DATABASES.~~

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

this title, a State shall participate in the interstate compact regarding sharing of driver license data, known as the "Driver License Agreement", in order to provide electronic access by a State to information contained in the motor vehicle databases of all other States.

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

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

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

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

(a) CRIMINAL PENALTY.—Section 1028(a)(8) of title 18, United States Code, is amended by striking "false authentication features" and inserting "false or actual authentication features".

(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—

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

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

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

~~SEC. 205. GRANTS TO STATES.~~

~~(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.~~

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

~~SEC. 206. AUTHORITY.~~

~~(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.~~

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

~~sultation with the Secretary of Homeland Security and the States.~~

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

~~SEC. 207. REPEAL.~~

~~Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.~~

~~SEC. 208. LIMITATION ON STATUTORY CONSTRUCTION.~~

~~Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.~~

~~TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION~~

~~SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.~~

~~(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equip-~~

1 ~~ment, and personnel needed to address security~~
2 ~~vulnerabilities within the United States for each field of-~~
3 ~~fice of the Bureau of Customs and Border Protection that~~
4 ~~has responsibility for any portion of the United States bor-~~
5 ~~ders with Canada and Mexico. The Under Secretary shall~~
6 ~~conduct follow-up studies at least once every 5 years.~~
7 ~~(b) REPORT TO CONGRESS.—The Under Secretary~~
8 ~~shall submit a report to Congress on the Under Sec-~~
9 ~~retary's findings and conclusions from each study con-~~
10 ~~ducted under subsection (a) together with legislative rec-~~
11 ~~ommendations, as appropriate, for addressing any security~~
12 ~~vulnerabilities found by the study.~~
13 ~~(c) AUTHORIZATION OF APPROPRIATIONS.—There~~
14 ~~are authorized to be appropriated to the Department of~~
15 ~~Homeland Security Directorate of Border and Transpor-~~
16 ~~tation Security such sums as may be necessary for fiscal~~
17 ~~years 2006 through 2011 to carry out any such rec-~~
18 ~~ommendations from the first study conducted under sub-~~
19 ~~section (a).~~
20 **~~SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES~~**
21 **~~FOR BORDER SECURITY.~~**
22 ~~(a) PILOT PROGRAM.—Not later than 180 days after~~
23 ~~the date of the enactment of this division, the Under Sec-~~
24 ~~retary of Homeland Security for Science and Technology,~~
25 ~~in consultation with the Under Secretary of Homeland Se-~~

~~curity for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—~~

~~(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;~~

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

~~(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.~~

~~(b) ADDITIONAL REQUIREMENTS.—~~

~~(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of~~

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

~~(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;~~

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

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

~~(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:~~

~~(A) Video camera technology.~~

~~(B) Sensor technology.~~

~~(C) Motion detection technology.~~

~~(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.~~

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

portation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

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

~~ernment in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and~~

~~(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.~~

~~(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary.~~

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $13,609,308,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $535,108,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

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

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,684,943,000: Provided, That the amount

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

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $9,411,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $130,000: Provided, That the amount provided under this heading is designated as an emergency require-

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

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,767,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $3,430,801,000: Provided, That the amount provided under this heading is designated as an emergency

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

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $970,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,528,574,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,308,392,000, of which—

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

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

burse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: 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 congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $21,354,000: Provided, That the

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

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $326,879,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: 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 may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: 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 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 of the amounts provided under this heading, $290,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: 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 the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: 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 the amount provided under this heading is designated as an emergency

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

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: 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 may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: 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 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 of the amounts provided under this heading, $210,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: 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 the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, $99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: Provided fur-

ther, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training: 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 the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $280,250,000, to remain available until September

30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $2,406,447,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $475,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $5,322,905,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement

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

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $133,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,929,045,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $269,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,998,000, to remain available until September 30, 2007: Provided, That the amount provided

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

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $2,653,760,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $591,327,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the con-

ference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $179,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $132,540,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated

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

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,311,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $225,550,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $227,000,000: Provided, That these funds may be used only for such activities related to Afghanistan and Pakistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: 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: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this Act: 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, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking "$3,500,000,000" and inserting in lieu thereof "$5,685,000,000": Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

COUNTER-DRUG ACTIVITIES

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

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

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Governments of Afghanistan and Pakistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1104. Under the heading, "Operation and Maintenance, Defense-Wide", in title II of the Department of De-

fense Appropriations Act, 2005 (Public Law 108–287), strike "$32,000,000" and insert "$43,000,000".

ADVANCE BILLING

SEC. 1105. Notwithstanding section 2208(l) of title 10, United States Code, during the current fiscal year working capital funds of the Department of Defense may utilize advance billing in a total amount not to exceed $1,500,000,000.

WEAPONS PURCHASE AND DISPOSAL

SEC. 1106. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed $10,000,000 may be used to purchase and dispose of weapons from any person, foreign government, international organization or other entity, for the purpose of protecting U.S. forces overseas: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the purchase and disposal of weapons under this section.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

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

CLASSIFIED PROGRAM

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking "$185,000,000" and inserting "$210,000,000".

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

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

(1) by striking "in the fiscal year after the effective date of this Act" and inserting in lieu thereof "in the fiscal years 2005 and 2006"; and

(2) in paragraph (1) by striking "500 new personnel billets" and inserting in lieu thereof "the total of 500 new personnel positions".

SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2005".

(b) 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 Government 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 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) For purposes of 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.".

(c) CLERICAL 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.".

(d) EFFECTIVE DATE.—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 Act.

RESERVE AFFILIATION BONUS

SEC. 1111. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are

made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEMBERS' GROUP LIFE INSURANCE

SEC. 1112. SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS. (a) INCREASED MAXIMUM AMOUNT UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, is amended—

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

"(i) In the case of a member—

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

"(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

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

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

(b) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

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

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

"(e)(1) A member covered by this subsection is any member as follows:

"(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

"(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

"(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subclause (I) of subsection (a)(3)(A) exceeds $250,000, the additional amount of insurance under this subchapter that is provided

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

"(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

"(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall be contributed as provided in section 1969(b)(2) of this title and may not be deducted or withheld from the member's pay.".

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

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following new paragraph:

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

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

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

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

(1) by striking "$250,000" each place it appears and inserting "$400,000"; and

(2) by adding at the end of paragraph (1) the following new sentence: "Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.".

(e) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

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

"(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum

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

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking "and (C)" and inserting ", (C), and (D)"; and

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

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

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

"(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without the written consent of the spouse.".

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

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

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

DEATH GRATUITY

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

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking "$12,000" and inserting "$100,000".

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

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

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity

under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—

(1) REQUIREMENT TO PAY ADDITIONAL GRATUITY.—

(A) In the case of a member of the Armed Forces described in subparagraph (B), the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

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

(i) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

(ii) were incurred as described in section 1413a(e)(2) of title 10, United States Code, on or after October 7, 2001.

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

(3) BENEFICIARIES.—The beneficiary or beneficiaries who are entitled under section 1477 of title 10, United States Code, to receive payment of the regular military death gratuity in the case of the death of a member referred to in paragraph (2) shall be entitled to receive the additional death gratuity payable in such case. If there are two or more such beneficiaries, the portion of the total amount of the additional death gratuity payable to a beneficiary in such case shall be the amount that bears the same ratio to the total amount of the additional death gratuity under paragraph (2) as the amount of the share of the regular military death gratuity payable to that beneficiary bears to the total amount of the regular military death gratuity payable to all such beneficiaries in such case.

(4) DEFINITIONS.—In this subsection:

(A) The term "additional death gratuity" means the death gratuity provided under paragraph (1).

(B) The term "regular military death gratuity", means a death gratuity payable under sections 1475 through 1477 of title 10 United States Code.

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

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

*(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking "**Death gratuity:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**Fallen hero compensation:**".*

(2) The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed

to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1115. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, 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).

PROHIBITION OF NEW START PROGRAMS

SEC. 1116. (a) None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 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.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, "Procurement of Ammunition, Army" to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of materiel for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25 mm high explosive rounds

for M2 Bradley Fighting Vehicles, 120 mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81 mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20 mm high explosive rounds for C–RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1117. (a)(1) Notwithstanding section 917 of Public Law 97–86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005 (Public Law 108–287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108–324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated as of March 15, 2005, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) The amount of funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated or expended as of March 15, 2005, is $372,280,000.

(3) Of the funds made available to the Program Manager under paragraph (1), not less than $100,000,000 shall be obligated by the Program Manager not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97–86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is $813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1118. Section 115 of division H of Public Law 108–199 is amended by striking all after "made available" and substituting ", notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.".

CONTINUITY OF GOVERNMENT TRANSPORTATION

SEC. 1119. Notwithstanding any other provision of the law, to facilitate the continuity of Government, during fiscal year 2005, no more than 11 officers and employees of the Executive Office of the President may be transported between their residence and place of employment on passenger carriers owned or leased by the Federal Government.

LPD–17 COST ADJUSTMENT

(TRANSFER OF FUNDS)

SEC. 1120. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 2005/2009":

LCU (X), $19,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2008":

LPD–17, $19,000,000:

Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated

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

PROHIBITION ON COMPETITION OF THE NEXT GENERATION DESTROYER (DD(X))

SEC. 1121. (a) No funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term "winner-take-all strategy", with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

CIVILIAN PAY

SEC. 1122. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That

this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1123. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY

SEC. 1124. Section 403(l) of title 37, United States Code, is amended by striking "180 days" each place it appears and inserting "365 days".

SENSE OF SENATE ON TREATMENT OF CERTAIN VETERANS UNDER REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS DISABILITY COMPENSATION

SEC. 1125. It is the sense of the Senate that any veteran with a service-connected disability rated as total by virtue of having been deemed unemployable who otherwise qualifies for treatment as a qualified retiree for purposes

of section 1414 of title 10, United States Code, should be entitled to treatment as qualified retiree receiving veterans disability compensation for a disability rated as 100 percent for purposes of the final clause of subsection (a)(1) of such section, as amended by section 642 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1957), and thus entitled to payment of both retired pay and veterans' disability compensation under such section 1414 commencing as of January 1, 2005.

SEC. 1126. BENEFITS FOR MEMBERS OF THE ARMED FORCES RECUPERATING FROM INJURIES INCURRED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM. (a) PROHIBITION ON CHARGES FOR MEALS.—

(1) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any

charge for meals provided such member by the military treatment facility.

(2) EFFECTIVE DATE.—The limitation in paragraph (1) shall take effect on January 1, 2005, and shall apply with respect to meals provided members of the Armed Forces as described in that paragraph on or after that date.

(b) TELEPHONE BENEFITS.—

(1) PROVISION OF ACCESS TO TELEPHONE SERVICE.—The Secretary of Defense shall provide each member of the Armed Forces who is undergoing in any month medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom access to telephone service at or through such military treatment facility in an amount for such month equivalent to the amount specified in paragraph (2).

(2) MONTHLY AMOUNT OF ACCESS.—The amount of access to telephone service provided a member of the Armed Forces under paragraph (1) in a month shall be the number of calling minutes having a value equivalent to $40.

(3) ELIGIBILITY AT ANY TIME DURING MONTH.—A member of the Armed Forces who is eligible for the provision of telephone service under this subsection at any time during a month shall be provided access to such service during such month in accordance with that paragraph, regardless of the date of the month on which the member first becomes eligible for the provision of telephone service under this subsection.

(4) USE OF EXISTING RESOURCES.—In carrying out this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private organizations, or other private entities offering free or reduced-cost telecommunications services.

(5) COMMENCEMENT.—

(A) IN GENERAL.—This subsection shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

(B) EXPEDITED PROVISION OF ACCESS.—The Secretary shall commence the provision of access to telephone service under this subsection as soon as practicable after the date of the enactment of this Act.

(6) TERMINATION.—The Secretary shall cease the provision of access to telephone service under this subsection on the date this is 60 days after the later of—

(A) the date, as determined by the Secretary, on which Operation Enduring Freedom terminates; or

(B) the date, as so determined, on which Operation Iraqi Freedom terminates.

PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF GENERAL COUNSEL AND JUDGE ADVOCATE GENERAL OF THE AIR FORCE

SEC. 1127. No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled "Functions and Duties of the General Counsel and the Judge Advocate General".

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Air Force in reliance upon the order referred to in paragraph (1).

SEC. 1128. IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES. (a) IN GENERAL.—Section 414 of the Veterans Health

Programs Improvement Act of 2004, is amended by adding at the end the following:

"(h) DEFINITION.—In this section, the term 'medical center' includes any outpatient clinic.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108–422).

RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

SEC. 1129. (a) In order to assist communities with preparations for the results of the 2005 round of defense base closure and realignment, and consistent with assistance provided to communities by the Department of Defense in previous rounds of base closure and realignment, the Secretary of Defense shall, not later than July 15, 2005, submit to the congressional defense committees a report on the processes and policies of the Federal Government for disposal of property at military installations proposed to be closed or realigned as part of the 2005 round of base closure and realignment, and the assistance available to affected local communities for re-use and redevelopment decisions.

(b) The report under subsection (a) shall include—

(1) a description of the processes of the Federal Government for disposal of property at military installations proposed to be closed or realigned;

(2) a description of Federal Government policies for providing re-use and redevelopment assistance;

(3) a catalogue of community assistance programs that are provided by the Federal Government related to the re-use and redevelopment of closed or realigned military installations;

(4) a description of the services, policies, and resources of the Department of Defense that are available to assist communities affected by the closing or realignment of military installations as a result of the 2005 round of base closure and realignment;

(5) guidance to local communities on the establishment of local redevelopment authorities and the implementation of a base redevelopment plan; and

(6) a description of the policies and responsibilities of the Department of Defense related to environmental clean-up and restoration of property disposed by the Federal Government.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1130. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87) and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) each contain a sense of the Senate provision

urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17, 2005, a reserve fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total $65,000,000,000.

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

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and

Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1105(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1219; 10 U.S.C. 113 note).

(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1008; 10 U.S.C. 113 note).

REPORTS ON IRAQI SECURITY FORCES

SEC. 1131. Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit an unclassified report to Congress, which may include a classified annex, that includes a description of the following:

(1) The extent to which funding appropriated by this Act will be used to train and equip capable and

effectively led Iraqi security services and promote stability and security in Iraq.

(2) The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters, and any changes over the previous 90-day period.

(3) A description of all militias operating in Iraq, including their number, size, strength, military effectiveness, leadership, sources of external support, sources of internal support, estimated types and numbers of equipment and armaments in their possession, legal status, and the status of efforts to disarm, demobilize, and reintegrate each militia.

(4) The extent to which recruiting, training, and equipping goals and standards for Iraqi security forces are being met, including the number of Iraqis recruited and trained for the army, air force, navy, and other Ministry of Defense forces, police, and highway patrol of Iraq, and all other Ministry of Interior forces, and the extent to which personal and unit equipment requirements have been met.

(5) A description of the criteria for assessing the capabilities and readiness of Iraqi security forces.

(6) An evaluation of the operational readiness status of Iraqi military forces and special police, in-

cluding the type, number, size, and organizational structure of Iraqi battalions that are—

(A) capable of conducting counterinsurgency operations independently;

(B) capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers; or

(C) not ready to conduct counterinsurgency operations.

(7) The extent to which funding appropriated by this Act will be used to train capable, well-equipped, and effectively led Iraqi police forces, and an evaluation of Iraqi police forces, including—

(A) the number of police recruits that have received classroom instruction and the duration of such instruction;

(B) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(C) the number of police candidates screened by the Iraqi Police Screening Service screening project, the number of candidates derived from other entry procedures, and the overall success rates of those groups of candidates;

(D) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(E) a description of the field training program, including the number, the planned number, and nationality of international field trainers;

(F) the number of police present for duty;

(G) data related to attrition rates; and

(H) a description of the training that Iraqi police have received regarding human rights and the rule of law.

(8) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by the Coalition Forces, including defending Iraq's borders, defeating the insurgency, and providing law and order.

(9) The extent to which funding appropriated by this Act will be used to train Iraqi security forces in counterinsurgency operations and the estimated total number of Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(10) The estimated total number of adequately trained, equipped, and led Iraqi battalions expected to be capable of conducting counterinsurgency operations independently and the estimated total number expected to be capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers by the end of 2005 and of 2006.

(11) An assessment of the effectiveness of the chain of command of the Iraqi military.

(12) The number and nationality of Coalition mentors and advisers working with Iraqi security forces as of the date of the report, plans for decreasing or increasing the number of such mentors and advisers, and a description of their activities.

(13) A list of countries of the North Atlantic Treaty Organisation ("NATO") participating in the NATO mission for training of Iraqi security forces and the number of troops from each country dedicated to the mission.

(14) A list of countries participating in training Iraqi security forces outside the NATO training mission and the number of troops from each country dedicated to the mission.

(15) For any country, which made an offer to provide forces for training that has not been accepted, an explanation of the reasons why the offer was not accepted.

(16) For offers to provide forces for training that have been accepted by the Iraqi government, a report on the status of such training efforts, including the number of troops involved by country and the number of Iraqi security forces trained.

(17) An assessment of the progress of the National Assembly of Iraq in drafting and ratifying the permanent constitution of Iraq, and the performance of the new Iraqi Government in its protection of the rights of minorities and individual human rights, and its adherence to common democratic practices.

(18) The estimated number of United States military forces who will be needed in Iraq 6, 12, and 18 months from the date of the report.

REPORT ON IMPLEMENTATION OF POST DEPLOYMENT STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD

SEC. 1132. Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing the assessment of the Secretary of the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down

Program of the Air National Guard. The Secretary of the Army shall prepare the assessment in consultation with the Secretary of the Air Force.

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1133. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of

aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

SENSE OF THE SENATE ON SILICON CARBIDE POWDERS PRODUCTION

SEC. 1134. SENSE OF THE SENATE. It is the sense of the Senate that the Department of Defense should provide funding sufficient, but not less than $5,000,000, under the Defense Production Act Title III to increase the domestic manufacturing capability to produce silicon carbide powders for use in the production of ceramic armor plates for armored vehicles, personal body armor systems, and other armor needs.

PROCURING RAPID WALL BREACHING KITS

SEC. 1135. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) the Department of Defense should allocate sufficient funding, but not less than $5,000,000, in

fiscal year 2005 to procure Rapid Wall Breaching Kits for use in operation Iraqi Freedom, Operation Enduring Freedom, and other uses;

(2) the Department of Defense should submit to Congress an amendment to the proposed fiscal year 2006 budget to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses in fiscal year 2006; and

(3) the Department of Defense should include in its budget requests for fiscal year 2007 and beyond funds to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses.

TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE

SEC. 1136. (a) It is the sense of the Senate that the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE" may be increased by $17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", as increased by subsection (a), $17,600,000 may

be available for tuition assistance programs for members of the Army Reserve as authorized by law.

SENSE OF SENATE ON FUNDING FOR VACCINE HEALTH CARE CENTERS

SEC. 1137. It is the sense of the Senate that, of the amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", not less than $6,000,000 should be available for the Vaccine Health Care Centers.

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS

SEC. 1138. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) $60,000,000 may be made available for the rapid deployment of Warlock and other field jamming systems; and

(2) in conference, the Senate should recede to the House position.

TRAVEL FOR FAMILY OF MEMBERS OF THE ARMED FORCES HOSPITALIZED IN UNITED STATES IN CONNECTION WITH CERTAIN NON-SERIOUS ILLNESSES OR INJURIES

SEC. 1139. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) either—

"(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

"(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38 and is hospitalized in a medical facility in the United States for treatment of that injury."; and

(2) by adding at the end the following new paragraph:

"(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).".

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

"§ 411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.".

(c) FUNDING.—Funds for the provision of travel in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of travel provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) for the Military Personnel, Army account.

(2) In the case of travel provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of travel provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph

(1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of travel provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of travel provided in such fiscal year under such section 411h by reason of the amendments made by this section.

PROHIBITION ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC–130J AIRCRAFT

SEC. 1140. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC–130J aircraft that is in effect on the date of the enactment of this Act.

UP-ARMORED HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES

SEC. 1141. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated by this chapter under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by $213,000,000, with the amount of such increase designated as an emergency requirement pur-

suant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY", as increased by subsection (a), $213,000,000 shall be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

(c) REPORTS.—(1) Not later 60 days after the date of the enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the most effective and efficient options available to the Department of Defense for transporting Up Armored High Mobility Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1142. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member

for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

PERMANENT MAGNET MOTOR

SEC. 1143. It is the sense of the Senate that of the amounts appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", $15,000,000 should be made available for the continuing development of the permanent magnet motor.

SENSE OF SENATE ON PROCUREMENT OF MAN-PORTABLE AIR DEFENSE SYSTEMS

SEC. 1144. It is the sense of the Senate that, of the amounts appropriated by this Act, $32,000,000 may be available to procure MANPAD systems.

SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1145. It is the sense of the Senate that, of the amount appropriated by this Act under the heading "OPER-

ATION AND MAINTENANCE, ARMY", $11,500,000 should be made available for the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $897,191,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $107,380,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to sec-

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

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $140,983,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

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

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $470,000,000 to remain available

until expended: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, $12,000,000 shall be available to carry out programs under the Food for Progress Act of 1985: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $767,200,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of

higher education: Provided further, That of the funds appropriated under this heading, $17,200,000 should be made available for the Office of the Coordinator for Reconstruction and Stabilization: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $680,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements" for capital improvements related to broadcasting to the broader Middle East, $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TRANSITION INITIATIVES

For an additional amount for "Transition Initiatives", $63,000,000, to remain available until expended, for necessary international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, to support transition to democracy

and the long-term development of Sudan: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $24,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

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

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", $1,636,300,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which $50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, not less than

$5,000,000 should be made available to support Afghan women's organizations that work to defend the legal rights of women and to increase women's political participation: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 should be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for programs and activities to promote democracy, including political party development, in Lebanon and such amount shall be managed by the Bureau of Democracy, Human Rights, and Labor of the Department of State: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for assistance to Ukraine, $70,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $5,000,000 shall be made available for democracy programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $660,000,000, to remain available until September 30, 2007, of which up to $46,000,000 may be transferred to and merged with "Economic Support Fund" if the Secretary of State, after consultation with the Committees on Appropriations, determines that this transfer is the most effective and timely use of resources to carry out counternarcotics and reconstruction programs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $108,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement

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

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $32,100,000, to remain available until September 30, 2006, of which not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

GLOBAL WAR ON TERROR PARTNERS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, $25,500,000, to remain available until expended: Provided, That these

funds may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: Provided further, That funds made available under this heading may be transferred by the Secretary of State to other Federal agencies or accounts to carry out the purposes under this heading: 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 funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency re-

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

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $210,000,000, to remain available until September 30, 2006, of which $200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking "Iraq,".

REPORTING REQUIREMENT

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Pales-

tinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to $5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

(RESCISSION OF FUNDS)

SEC. 2103. The unexpended balance appropriated by Public Law 108–11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.

DEMOCRACY EXCEPTION

SEC. 2104. Funds appropriated for fiscal year 2005 under the heading "Economic Support Fund" may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108–447.

SEC. 2105. The amounts set forth in the eighth proviso in the Diplomatic and Consular Programs appropriation in the fiscal year 2005 Departments of Commerce, Justice,

State, the Judiciary, and Related Agencies Appropriations Act (Public Law 108–447, division B) may be subject to reprogramming pursuant to section 605 of that Act.

MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. 2106. Of the funds appropriated by chapter 2 of title II of Public Law 108–106 under the heading "Iraq Relief and Reconstruction Fund", not less than $30,000,000 should be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations: Provided, That such assistance shall be designated as the "Marla Ruzicka Iraqi War Victims Fund".

ASSISTANCE FOR HAITI

SEC. 2107. Of the funds appropriated by title II, chapter 2 of this Act, not less than $20,000,000 shall be made available for assistance for Haiti: Provided, That this assistance should be made available for election assistance, employment and public works projects, and police assistance: Provided further, That the obligation of such funds shall be subject to prior consultation with the Committees on Appropriations.

REPORT ON AFGHAN SECURITY FORCES TRAINING

SEC. 2108. (a) Notwithstanding any other provision of law, not later than 90 days after the date on which the initial obligation of funds made available in this Act for training Afghan security forces, including police, border se-

curity guards and members of the Afghan National Army, is made, the Secretary of State, in conjunction with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the following:

(1) An assessment of whether the individuals who are providing training to Afghan security forces with assistance provided by the United States have proven records of experience in training law enforcement or security personnel.

(2) A description of the procedures of the Department of State and Department of Defense to ensure that an individual who receives such training—

(A) does not have a criminal background;

(B) is not connected to any criminal or terrorist organization, including the Taliban;

(C) is not connected to drug traffickers; and

(D) meets certain age and experience standards.

(3) A description of the procedures of the Department of State and Department of Defense that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(4) A description of the procedures of the Department of State and Department of Defense to ensure the coordination of such training efforts between these two Departments.

(5) A description of the methods that will be used by the Government of Afghanistan to maintain and equip such personnel when such training is completed.

(6) A description of how such training efforts will be coordinated with other training programs being conducted by the governments of other countries or international organizations in Afghanistan.

(b) In this section the term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

DARFUR ACCOUNTABILITY

SEC. 2109. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions;

(B) establishes a military no-fly zone in Darfur and calls on the Government of Sudan to immediately withdraw all military aircraft from the region;

(C) urges member states to accelerate assistance to the African Union force in Darfur, sufficient to achieve the expanded mandate described in paragraph (5);

(D) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force, the

United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment established by paragraphs 7 through 9 of United Nations Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in

Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the

UN Committee have committed the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immediately freeze the funds and other assets belonging to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and any assets or property that such individuals transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control; and

(D) except as described under paragraph (2), deny visas and entry to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President submits to the appropriate congressional committee, a report—

(A) naming the individual or individuals named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual's family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act with regard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to

achieve such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, and the status of United States and other assistance to the African Union force.

(2)(A) The report described in paragraph (1) shall be submitted every 90 days during the 1-year period beginning on the date of the enactment of this Act, or until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) After such 1-year period, and if the President has not made the certification described in subparagraph (A), the report described in paragraph (1) shall be included in the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018).

(d) In this section:

(1) The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the

Committee on Appropriations of the House of Representatives.

(2) The term "Government of Sudan" means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) The term "member states" means the member states of the United Nations.

(4) The term "Sudan North-South Peace Agreement" means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) The term "those named by the UN Commission of Inquiry" means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) The term "UN Committee" means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

CANDIDATE COUNTRIES

SEC. 2110. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108–199) is amended—

(1) by striking "subparagraphs (A) and (B) of section 606(a)(1)"; and

(2) inserting in lieu thereof "subsection (a) or (b) of section 606".

SUDAN

SEC. 2111. Of the funds appropriated in this Act for "Contributions for International Peacekeeping Activities", $90,500,000 may be made available for assistance for Darfur, Sudan: Provided, That within these amounts, $50,000,000 may be transferred to "Peacekeeping Operations" for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan: Provided further, That $40,500,000 may be transferred to "International Disaster and Famine Assistance" for assistance for Darfur, Sudan and other African countries.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursu-

ant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $11,935,000, for increased judicial security outside of courthouse facilities, including priority consideration of home intrusion detection systems in the homes of federal judges, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $66,512,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

In addition, notwithstanding any other provision of law, the Federal Bureau of Investigation shall have the authority to execute a lease of up to 160,000 square feet of

space for the Terrorist Screening Center within the Washington, D.C. Metropolitan area.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", $26,000,000, to remain available until expended: Provided,

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

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $276,000,000, of which not less than $11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR PROGRAMS

The amount for "Diplomatic and Consular Programs" under chapter 2 of title II shall be $357,700,000.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $389,613,000, of which $128,000,000, to remain available until September 30, 2006, shall be available for the enforcement of immigration and customs laws, detention and removal, and investigations, including the hiring of immigration investigators, enforcement agents, and deportation officers, and the provision of detention bed space, and of which the Assistant Secretary for Immigration and Customs Enforcement shall transfer (1) $179,745,000, to Customs and Border Protection, to remain available until September 30, 2006, for "SALARIES AND EXPENSES", for the hiring of Border Patrol agents and related mission support expenses and continued operation of unmanned aerial vehicles along the Southwest Border; (2) $67,438,000, to Customs and Border Protection, to remain available until expended, for "CONSTRUCTION"; (3) $10,471,000, to the Federal Law Enforcement Training Center, to remain available until September 30, 2006, for "SALARIES AND EXPENSES"; and (4) $3,959,000, to the Federal Law Enforce-

ment Training Center, to remain available until expended, for "ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES", for the provision of training at the Border Patrol Academy.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", $49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for hiring border patrol agents, $105,451,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section

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

CONSTRUCTION

For an additional amount for "Construction", $41,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING

The amount appropriated by title II for "Contributions to International Peacekeeping Activities" is hereby reduced by $146,951,000 and the total amount appropriated by title II is hereby reduced by $146,951,000.

CHAPTER 4

CAPITOL POLICE

SALARIES

For an additional amount for salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency

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

EXPENSES

For an additional amount for necessary expenses of the Capitol Police, $13,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ARCHITECT OF THE CAPITOL

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for Capitol Police Buildings and Grounds, $23,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $7,070,000, to remain available until September 30, 2007, for United States tsunami warning capa-

bilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", $10,170,000, to remain available until September 30, 2008, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

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

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the con-

ference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $29,150,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency require-

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

CHAPTER 5

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, and the Avian influenza virus, $656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, 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 funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development

for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with "Development Credit Authority" for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $20,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $100,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development Office of Inspector General"; and up to $5,000,000 may be transferred to and consolidated with "Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for environmental recovery activities in tsunami affected countries: Provided fur-

ther, That of the funds appropriated under this heading, not less than $10,000,000 should be made available for programs and activities which create new economic opportunities for women: Provided further, That of the funds appropriated under this heading, not less than $12,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, assistance to improve the capacity of governments and appropriate private entities to facilitate domestic and international adoption of orphaned children, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth: Provided further, That of the funds appropriated under this heading, not less that $20,000,000 should be made available for microcredit programs in countries affected by the tsunami, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated

under this heading, not less than $25,000,000 shall be made available for programs to prevent the spread of the Avian influenza virus, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That funds appropriated under this heading shall be made subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts owed to the United States or any agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004, including the Republic of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka: Provided further, That of the funds appropriated under this heading, up to $45,000,000 may be made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not

be considered "assistance" for the purposes of provisions of law limiting assistance to any such affected country: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4501. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

AUTHORIZATION OF FUNDS

SEC. 4502. Funds appropriated by this chapter and chapter 2 of title II may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for "Research and Education Activities" to provide a grant to the University of Hawaii to partially offset the cost of damages to the research and educational resources of the College of Tropical Agriculture and Human Resources incurred as a result of the catastrophic flood that occurred on October 30, 2004, as authorized by law, $3,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to the waterways and watersheds resulting from natural disasters, $103,000,000, to remain available until expended: Provided, That of the amount provided, no less

than $66,000,000 shall be for eligible work in the State of Utah: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading "Rural Housing Service", "Rural Housing Insurance Fund Program Account" in chapter 1 of title II of Public Law 106–246 (114 Stat. 540) to the Rural Housing Service "Rental Assistance Program" account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section

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

RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. The Secretary of Agriculture shall consider the Village of New Miami (Ohio) to be eligible for loans and grants provided through the Rural Housing Assistance Grants program.

NATURAL RESOURCES CONSERVATION SERVICE

SEC. 5103. (a) Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to carry out measures (including research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works, and changes in the use of land) to prevent damage to the Manoa watershed in Hawaii.

(b) There is hereby appropriated $15,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WATERSHED PROJECTS IN WEST VIRGINIA

SEC. 5104. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108–447) for the Lost River Watershed project, West Virginia, $4,000,000 may be transferred to the

Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 36).

FARM SERVICE AGENCY

SEC. 5105. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108–447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Departmental Management", $3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" to pay necessary expenses of the Forest Service to restore land and facilities in the State of California damaged by torrential rainfall during fiscal year 2005, $2,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance" to pay necessary expenses of the Forest Service to construct, repair, decommission, and maintain forest roads and trails in the Angeles National Forest, Cleveland National Forest, Los Padres National Forest, and San Bernardino National Forest, $31,980,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the "Public Health and Social Services Emergency Fund" in title II of Public Law 108–447, $10,000,000, to remain available until expended, for infrastructure grants to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading "Health Resources and Services Administration, Health Resources and Services", the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading "Office of the Secretary, Office of the Inspector General", the unobligated balance of the

Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading "Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)" the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

RELATED AGENCY

INSTITUTE OF MUSEUM LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for the "Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration", $10,000,000, to be available until expended, for the Hamilton Library at the University of Hawaii at Manoa, including replacing the collections at the regional federal depository library: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, Courts of Appeals, District Courts and Other Judicial Services" for unforeseen costs associated with increased immigration-related filings, recent Supreme Court decisions, and recently enacted legislation, $65,000,000, to remain available until September 30, 2006: Provided, That notwithstanding section 302 of division B of Public Law 108–477, such sums shall be available for transfer to accounts within the Judiciary subject to section 605 of said Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108–447, $238,080,000 are rescinded.

For an additional amount for "Housing for Persons with Disabilities", $238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108–447.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of Federal Housing Enterprise Oversight" for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISION, THIS CHAPTER

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 5401. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make a grant to the University of Hawaii to cover unreimbursed expenses associated with costs resulting from the catastrophic flood that occurred on October 30, 2004.

(b) There is hereby appropriated $10,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

TRANSFER AUTHORITY—DEPARTMENT OF JUSTICE

SEC. 6002. Notwithstanding section 106 of title I of division B of Public Law 108–447, the Department of Justice may transfer funds from any Department of Justice account, except "Buildings and Facilities, Federal Prison System" and "Office of Justice Programs" accounts, to the "Detention Trustee" account: Provided, That the notifica-

tion requirement in section 605 of title VI of division B of Public Law 108–447 shall apply to any such transfers.

SPACE CONSIDERATIONS—FEDERAL BUREAU OF INVESTIGATION

SEC. 6003. Notwithstanding any other provision of law, the Special Technologies and Application Section within the Federal Bureau of Investigation shall have the authority to use existing resources to acquire, renovate, and occupy up to 175,000 square feet of additional facility space within its immediate surrounding area.

TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6004. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended after "Bonneau Ferry, SC" by striking "20,000" and inserting "19,200": Provided, That these amounts are available for transfer to "Response and Restoration Base".

SEC. 6005. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Tonner Canyon, CA" and inserting "Tolay Lake, Sonoma County, CA".

SEC. 6006. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Port Aransas Nature Preserve Wetlands Project, TX—3,000" and under the heading "Section 2 (FWCA) Coastal/Estuarine Land Acquisition" by inserting "Port Aransas Nature Preserve Wetlands Project, TX—3,000".

LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6007. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking "$15,000,000" and inserting "$42,000,000, to remain available until expended," in its place, and

(B) by amending subsection (5) to read as follows:

"(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate

in writing 30 days in advance of any obligation or expenditure.".

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

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

"(1) $174,927,000 (including $34,927,000 from local funds and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, $33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

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

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

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

DE SOTO COUNTY, MISSISSIPPI

SEC. 6008. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking "$20,000,000" and inserting "$55,000,000" in lieu thereof, and by striking "treatment" and inserting "infrastructure" in lieu thereof.

SEC. 6009. The Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002 and September 30, 2005 in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a

credit against the non-Federal share of project costs incurred after May 13, 2002.

FORT PECK FISH HATCHERY, MONTANA

SEC. 6010. Section 325(f)(1)(A) of Public Law 106–541 is modified by striking "$20,000,000" and inserting in lieu thereof "$25,000,000".

ALI WAI CANAL, HAWAII

SEC. 6011. For an amount from within available funds from "General Investigations" for the expansion of studies necessitated by severe flooding, up to $1,800,000, to remain available until expended.

INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR–1 BRIDGE, DELAWARE

SEC. 6012. The first proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108–447 is amended by striking "October 1, 2003, and September 30, 2004" and inserting "October 1, 2004, and September 30, 2005".

OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6013. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production fabrica-

tion contracts and transportation cost savings that would result from larger navigation channels.

MC CLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATION AND MAINTENANCE

SEC. 6014. The last proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108–447 is amended by striking "Public Law 108–357" and inserting "Public Law 108–137".

SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6015. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements,

interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

DESALINATION ACT EXTENSION

SEC. 6016. Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking "2004" and inserting in lieu thereof "2009"; and

(2) in paragraph (b) by striking "2004" and inserting in lieu thereof "2009".

AGRICULTURAL AND NATURAL RESOURCES OF THE WALKER RIVER BASIN

SEC. 6017. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior (referred to in this section as the "Secretary"), acting through the Commissioner of Reclamation, shall provide not more than $850,000 to pay the State of Nevada's share of the costs for the Humboldt Project conveyance required under—

(A) title VIII of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2016); and

(B) section 217(a)(3) of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1853).

(2) Amounts provided under paragraph (1) may be used to pay—

(A) administrative costs;

(B) the costs associated with complying with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(C) real estate transfer costs.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring land, water, and related interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(c)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(d) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) $10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) $5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

OFFICE OF SCIENCE

SEC. 6018. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item

relating to "Department of Energy, Energy Programs, Science" is amended by inserting ": Provided, That $2,000,000 is provided within available funds to continue funding for project #DE–FG0204ER63842–04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and $3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein $500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and $500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That $4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service" after "$3,628,902,000".

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6019. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities" is amended by inserting after "various locations" the following: ": Provided further, That $3,000,000 shall be used to continue funding of project #DE–FC04–02AL68107, the

Technology Ventures Corporation: Provided further, That notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375".

DEFENSE SITE ACCELERATION COMPLETION

SEC. 6020. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Site Acceleration Completion" is amended by inserting before the period the following: ": Provided, That $4,000,000 is to be provided from within available funds for the cleanup of lands transferred from NNSA to Los Alamos County or Los Alamos School District".

DEFENSE ENVIRONMENTAL SERVICES

SEC. 6021. To the extent activities directed to be funded from within division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), in division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the "Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, De-

fense Environmental Services" is amended by inserting before the period the following: ": Provided, That to the extent activities to be funded within the 'Defense Environmental Services' cannot be funded without unduly impacting mission activities and statutory requirements, up to $30,000,000 from 'Defense Site Acceleration Completion' may be used for these activities".

CHERNOBYL RESEARCH AND SERVICE PROJECT

SEC. 6022. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the "Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Other Defense Activities" is amended by inserting before the period the following: ": Provided, That $5,000,000 is to be provided from within available funds to initiate the Chernobyl Research and Service Project to support radiation effects during the Chernobyl Shelter Implementation Plan within the Office of Environment Safety and Health".

DEPARTMENT OF ENERGY SMALL BUSINESS CONTRACTS

SEC. 6023. Section 15(g) of the Small Business Act (15 U.S.C. § 644), is amended by adding the following new paragraph:

"(3) For purposes of this section, the term 'prime contract' shall, with respect to the Department of Energy, mean prime contracts awarded by the Department of Energy, and

subcontracts awarded by Department of Energy management and operating contractors, management and integration contractors, major facilities management contractors, and contractors that have entered into similar contracts for management of a departmental facility. Contracting goals established for the Department of Energy under this section shall be set at a level not greater than the applicable Government-wide goal.".

YUCCA MOUNTAIN

SEC. 6024. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2951) is amended in the matter under the heading "Nuclear Waste Disposal"—

(1) by inserting "to be derived from the Nuclear Waste Fund and" after "$346,000,000,"; and

(2) in the second proviso, by striking "to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act" and inserting "to participate in licensing activities and other appropriate activities pursuant to that Act".

POWER MARKETING ADMINISTRATION

SEC. 6025. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration" is amended by inserting before the period at the end the fol-

lowing: ": Provided further, That of the amount herein appropriated, $500,000 is provided on a non-reimbursable basis from within available funds for a transmission study on the placement of 500 megawatts of wind energy in North Dakota and South Dakota".

DEPARTMENT OF HOMELAND SECURITY

REVOLVING FUNDS

SEC. 6026. (a) The Department of Homeland Security "Working Capital Fund" is abolished and any remaining unobligated or unexpended fund balances shall be immediately transferred to the "Office of the Chief Financial Officer" and shall be subject to section 503 of Public Law 108–334.

(b) The Department of Homeland Security may not use any funds made available under section 403 of the Government Management Reform Act of 1994 (Public Law 103–356).

(c)(1) There is established the "Continuity of Government Operations and Emergency Management Revolving Fund" (in this subsection referred to as the "Revolving Fund") which shall be administered by a board of directors designated by the Under Secretary for Emergency Preparedness and Response.

(2) There shall be deposited into the Revolving Fund such amounts—

(A) that would have been deposited into the "Working Capital Fund" abolished under subsection (a) in accordance with any memorandum of understanding between the Federal Emergency Management Agency and any agency or other entity providing for the funding of the "Working Capital Fund" before the date of enactment of Public Law 107–296;

(B) provided for in any other memorandum of understanding approved by the board of directors after the date of enactment of this Act; and

(C) derived from agreements defined in (c)(2)(A) that were transferred to the "Office of the Chief Financial Officer" pursuant to subsection (a).

(3) Funds in the Revolving Fund may be used only for activities and services relating to continuity of Government and emergency management carried out by the Federal Emergency Management Agency before March 1, 2003, or approved by the Committees on Appropriations of the Senate and the House of Representatives.

REPROGRAMMING PROVISIONS

SEC. 6027. Section 503 of the Department of Homeland Security Appropriations Act, 2005 (118 Stat. 1315) is amended by striking subsection (d) and inserting the following:

"(d) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or trans-

ferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for any information technology project that: (1) is funded by the 'Office of the Chief Information Officer'; or (2) is funded by multiple components through the use of reimbursable agreements; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation of funds.

"(e) Notifications of reprogrammings, transfers, and obligations pursuant to subsections (a), (b), (c) and (d) shall not be made later than June 30, 2005, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.".

SEC. 6028. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

BUREAU OF LAND MANAGEMENT TECHNICAL CORRECTION

SEC. 6029. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by deleting "September 24, 2004" and inserting "November 12, 2004".

FOREST SERVICE TRANSFER

SEC. 6030. Funds in the amount of $1,500,000, provided in Public Law 108–447 for the "Forest Service, Capital Improvement and Maintenance" account, are hereby transferred to the "Forest Service, State and Private Forestry" account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6031. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES

SEC. 6032. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

GULF ISLANDS NATIONAL SEASHORE

SEC. 6033. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with timely and generally full extraction of the oil and gas minerals:

(1) exploration, development and production operations on sites outside the boundaries of Gulf Is-

lands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore related to extraction of the oil and gas located within the boundaries of the Gulf Islands National Seashore, all of which oil and gas is owned by the State of Mississippi.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in this section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6034. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2005," and inserting "September 30, 2005,".

REPEAL OF TRANSFER AUTHORITY

SEC. 6035. Section 102 and section 208 of division F of Public Law 108–447 are hereby repealed.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6036. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement"—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read "Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative";

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read "Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program";

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for

accelerating student academic growth shall be deemed to read "Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth";

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read "Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program";

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read "Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School";

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read "University of Alaska/Southeast in Juneau, AK,

working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)";

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read "QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history";

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read "The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO";

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read "Chester Economic Development Authority, Chester, PA for a community arts program";

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read "Kids with A Promise—The Bowery Mission, New York, NY";

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce "Educating America", a documentary about the challenges facing our public schools shall be deemed to read "Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools";

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read "American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar"; and

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

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6037. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improve-

ment of Postsecondary Education under the heading "Higher Education"—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read "University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students";

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read "Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities";

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read "University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs"; and

(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and

technology shall be deemed to read "Moberly Area Community College, Moberly, MO for equipment and technology".

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6038. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement" the provision specifying $1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska".

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6039. The matter under the heading "Corporation for National and Community Service—National and Community Service Programs Operating Expenses" in title

III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: ": Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers".

COPYRIGHT ROYALTY JUDGES

SEC. 6040. (a) During fiscal year 2005, the Librarian of Congress shall transfer from funds under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" under title I of the Legislative Appropriations Act, 2005 to the account under the subheading "SALARIES AND EXPENSES" under the heading "COPYRIGHT OFFICE" under the heading "LIBRARY OF CONGRESS" under title I of that Act such funds as necessary to carry out the Copyright Royalty Judges program under chapter 8 of title 17, United States Code, as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419), subject to subsection (b).

(b) No more than $485,000 may be transferred under this section.

TECHNICAL CORRECTION—DEPARTMENT OF TRANSPORTATION

SEC. 6041. The matter under the heading "Federal Transit Administration, Capital Investment Grants" in title I of division H of Public Law 108–447 is amended

by striking "$3,591,548" and inserting "$1,362,683" and by striking "$22,554,144" and inserting "$12,998,815": Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108–447, $1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and $316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

THE JUDICIARY

SEC. 6042. Section 308 of division B of Public Law 108–447 is amended by striking "shall be deposited" and all that follows through "expenses" and inserting in lieu thereof "shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts,

and Other Judicial Services and the Administrative Office of the United States Courts".

SEC. 6043. Section 325 of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as passed by the Senate on March 10, 2005, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

"(1) by striking paragraph (1) and inserting the following:

"'(1)(A) 29.75 percent of the fees collected under section 1930(a)(1)(A) of this title; and

"'(B) 39.67 percent of the fees collected under section 1930(a)(1)(B);';

"(2) in paragraph (2), by striking 'one-half' and inserting '75 percent'; and

"(3) in paragraph (4), by striking 'one-half' and inserting '100 percent'.";

(2) by striking subsection (c) and inserting the following:

"(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking 'pursuant to 28 U.S.C. section 1930(b)' and all

that follows through '28 U.S.C. section 1931' and inserting 'under section 1930(b) of title 28, United States Code, 29.75 percent of the fees collected under section 1930(a)(1)(A) of that title, 39.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title'. "; and

(3) by striking subsections (d) and (e) in their entirety.

TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6044. Under the heading "Federal Buildings Fund" in title IV of division H of Public Law 108–447, strike "$60,000,000" and insert in lieu thereof "$60,600,000" in reference to the Las Cruces United States Courthouse.

SEC. 6045. Section 408 in title IV of division H of Public Law 108–477 is amended by striking "Section 572(a)(2)(ii)" and inserting in lieu thereof "Section 572(a)(2)(A)(ii)".

TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6046. (a) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed

to be amended with respect to item 230 by striking "City" and inserting "Port".

(b) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 233 by inserting "Port of" before the words "Brookings Harbor".

(c) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 30 by inserting "to be used for planning, design, and construction" after "California,".

(d) The referenced statement of managers under the heading "Community Development Fund" in title II of division G of Public Law 108–199 is deemed to be amended with respect to item number 122 by inserting "to be used for planning, design, and construction" after "California,".

SENSE OF SENATE REGARDING TIMELY ENACTMENT OF APPROPRIATIONS FOR UNITED STATES ARMED FORCES

SEC. 6047. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) our immigration system is badly broken, fails to serve the interests of our national security and our national economy, and undermines respect for the rule of law;

(2) in a post-9/11 world, national security demands a comprehensive solution to our immigration system;

(3) Congress must engage in a careful and deliberative discussion about the need to bolster enforcement of, and comprehensively reform, our immigration laws;

(4) Congress should not short-circuit that discussion by attaching amendments to this supplemental outside of the regular order; and

(5) Congress should not delay the enactment of critical appropriations necessary to ensure the well-being of the men and women of the United States Armed Forces fighting in Iraq and elsewhere around the world, by attempting to conduct a debate about immigration reform while the supplemental appropriations bill is pending on the floor of the United States Senate.

SEC. 6048. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification within the text or audio of the prepackaged news that the prepackaged news story was prepared or funded by that Federal agency.

SEC. 6049. TECHNICAL CORRECTION TO THE MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM. (a) IN GENERAL.—Section 1897(c) of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "or an entity described in paragraph (3)" after "means a hospital"; and

(B) in subparagraph (B)—

(i) by inserting "legislature" after "State" the first place it appears; and

(ii) by inserting "and such designation by the State legislature occurred prior to December 8, 2003" before the period at the end; and

(2) by adding at the end the following new paragraph:

"(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—

"(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

"(B) has at least 1 existing memorandum of understanding or affiliation agreement with a

hospital located in the State in which the entity is located; and

"(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility.".

(b) LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended by adding at the end the following new subsection:

"(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447).

SEC. 6050. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6051. (a) Section 222 of title II of division I of Public Law 108–447 is deleted; and

(b) Section 203(c)(l) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking "subsections" and inserting "subsection", and

(2) striking "or (k)" each place that it appears.

NEPAL

SEC. 6052. (a) FINDINGS.—The Senate makes the following findings:

(1) That on February 1, 2005, Nepal's King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

(2) That despite condemnation of the King's actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy.

(3) That there are concerns that the King's actions will strengthen Nepal's Maoist insurgency.

(4) That while some political leaders have been released from custody, there have been new arrests of

human rights activists and representatives of other civil society organizations.

(5) That the King has thwarted efforts of members of the National Human Rights Commission to conduct monitoring activities, but recently agreed to permit the United Nations High Commissioner for Human Rights to open an office in Katmandu to monitor and investigate violations.

(6) That the Maoists have committed atrocities against civilians and poses a threat to democracy in Nepal.

(7) That the Nepalese Army has also committed gross violations of human rights.

(8) That King Gyanendra has said that he intends to pursue a military strategy against the Maoists.

(9) That Nepal needs an effective military strategy to counter the Maoists and pressure them to negotiate an end to the conflict, but such a strategy must include the Nepalese Army's respect for the human rights and dignity of the Nepalese people.

(10) That an effective strategy to counter the Maoists also requires a political process that is inclusive and democratic in which constitutional rights are

protected, and government policies that improve the lives of the Nepalese people.

(11) That it is the Sense of the Senate that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with the leaders of Nepal's political parties to restore democracy.

FISCHER-TROPSCH COAL-TO-OIL PROJECT

SEC. 6053. Notwithstanding any other provision of law, funds that have been appropriated to and awarded by the Secretary of Energy under the Clean Coal Power Initiative in accordance with financial assistance solicitation #DE–PS26–02NT41428 (as described in 67 Federal Register 575) to construct a Fischer-Tropsch coal-to-oil project may be used by the Secretary to provide a loan guarantee for the project.

PROTECTION OF THE GALAPAGOS

SEC. 6054. (a) FINDINGS.—The Senate makes the following findings:

(1) The Galapagos Islands are a global treasure and World Heritage Site, and the future of the Galapagos is in the hands of the Government of Ecuador.

(2) The world depends on the Government of Ecuador to implement the necessary policies and programs to ensure the long term protection of the bio-

diversity of the Galapagos, including enforcing the Galapagos Special Law.

(3) There are concerns with the current leadership of the Galapagos National Park Service and that the biodiversity of the Galapagos and the Marine Reserve are not being properly managed or adequately protected; and

(4) The Government of Ecuador has reportedly given preliminary approval for commercial airplane flights to the Island of Isabela, which may cause irreparable harm to the biodiversity of the Galapagos, and has allowed the export of fins from sharks caught accidentally in the Marine Reserve, which encourages illegal fishing.

(b) The Senate strongly encourages the Government of Ecuador to—

(A) refrain from taking any action that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve;

(B) abide by the agreement to select the Directorship of the Galapagos National Park Service though a transparent process based on merit as previously agreed by the Government of Ecua-

dor, international donors, and nongovernmental organizations; and

(C) enforce the Galapagos Special Law in its entirety, including the governance structure defined by the law to ensure effective control of migration to the Galapagos and sustainable fishing practices, and prohibit long-line fishing which threatens the survival of shark and marine turtle populations.

(c) The Department of State should—

(A) emphasize to the Government of Ecuador the importance the United States gives to these issues; and

(B) offer assistance to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos and the Marine Reserve and to sustain the livelihoods of the Galapagos population who depend on the marine ecosystem for survival.

CAMP JOSEPH T. ROBINSON

SEC. 6055. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled "An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas", approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp

Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

INDEPENDENT COUNSEL INVESTIGATION OF HENRY CISNEROS

SEC. 6056. (a) None of the funds appropriated or made available in this Act or any other Act may be used to fund the independent counsel investigation of Henry Cisneros after June 1, 2005.

(b) Not later than July 1, 2005, the Government Accountability Office shall provide the Committee on Appropriations of each House with a detailed accounting of the costs associated with the independent counsel investigation of Henry Cisneros.

AFFIRMING THE PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT

SEC. 6057. (a)(1) None of the funds appropriated or otherwise made available by this Act shall be obligated or expended to subject any person in the custody or under the physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any

person is entitled to the protections of the Geneva Conventions.

(b) As used in this section—

(1) the term "torture" has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States.

DETROIT LABOR BUILDING

SEC. 6058. The Secretary of Labor shall convey to the State of Michigan, for no consideration, all right, title, and interest of the United States in and to the real property known as the "Detroit Labor Building" and located at 7310 Woodward Avenue, Detroit, Michigan, to the extent the right, title, or interest was acquired through a grant to the State of Michigan under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or using funds distributed to the State of Michigan under section 903 of the Social Security Act (42 U.S.C. 1103).

1 *TRAUMATIC INJURY PROTECTION*

2 *SEC. 6059. TRAUMATIC INJURY PROTECTION. (a) IN*
3 *GENERAL.—Subchapter III of chapter 19, Title 38, United*
4 *States Code, is amended—*

5 *(1) in section 1965, by adding at the end the fol-*
6 *lowing:*

7 *"(11) The term 'activities of daily living' means*
8 *the inability to independently perform 2 of the 6 fol-*
9 *lowing functions:*

10 *"(A) Bathing.*

11 *"(B) Continence.*

12 *"(C) Dressing.*

13 *"(D) Eating.*

14 *"(E) Toileting.*

15 *"(F) Transferring."; and*

16 *(2) by adding at the end the following:*

17 ***"§ 1980A. Traumatic injury protection***

18 *"(a) A member who is insured under subparagraph*
19 *(A)(i), (B), or (C)(i) of section 1967(a)(1) shall automati-*
20 *cally be issued a traumatic injury protection rider that will*
21 *provide for a payment not to exceed $100,000 if the mem-*
22 *ber, while so insured, sustains a traumatic injury that re-*
23 *sults in a loss described in subsection (b)(1). The maximum*
24 *amount payable for all injuries resulting from the same*
25 *traumatic event shall be limited to $100,000. If a member*

suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

"(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

"(A) total and permanent loss of sight;

"(B) loss of a hand or foot by severance at or above the wrist or ankle;

"(C) total and permanent loss of speech;

"(D) total and permanent loss of hearing in both ears;

"(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

"(F) quadriplegia, paraplegia, or hemiplegia;

"(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

"(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

"(2) For purposes of this subsection—

"(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

"(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

"(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

"(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

"(c) A payment under this section may be made only if—

"(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

"(2) the loss results directly from that traumatic injury and from no other cause; and

"(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

"(d) Payments under this section for losses described in subsection (b)(1) shall be—

"(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

"(2) based on the severity of the covered condition; and

"(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

"(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs

under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

"(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

"(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

"(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

"(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

"(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

"(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

"(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current bene-

ficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

"(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

"(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

"1980A. Traumatic injury protection.".

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

RESIDENT AND NONRESIDENT HUNTING AND FISHING REGULATIONS

SEC. 6060. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING. (a) SHORT TITLE.—This section may be cited as the "Reaffirmation

of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005".

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the "commerce clause") to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

TITLE VII—TEMPORARY WORKERS

SEC. 7001. SHORT TITLE.

This title may be cited as the "Save Our Small and Seasonal Businesses Act of 2005".

SEC. 7002. NUMERICAL LIMITATIONS ON H–2B WORKERS. (a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

"(9)(A) Subject to subparagraphs (B) and (C), an alien counted toward the numerical limitations of paragraph (1)(B) during any 1 of the 3 fiscal years prior to the submission of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) may not be counted toward such limitation for the fiscal year in which the petition is approved.

"(B) A petition referred to in subparagraph (A) shall include, with respect to an alien—

"(i) the full name of the alien; and

"(ii) a certification to the Department of Homeland Security that the alien is a returning worker.

"(C) An H–2B visa for a returning worker shall be approved only if the name of the individual on the petition is confirmed by—

"(i) the Department of State; or

"(ii) if the alien is visa exempt, the Department of Homeland Security.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2006.

(2) IMPLEMENTATION.—Not later than the date of enactment of this Act, the Secretary of Homeland Security shall begin accepting and processing peti-

tions filed on behalf of aliens described in section 101(a)(15)(H)(ii)(b), in a manner consistent with this section and the amendments made by this section.

Sec. 7003. FRAUD PREVENTION AND DETECTION FEE. (a) IMPOSITION OF FEE.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 426(a) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by adding at the end the following:

"(13)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1) for nonimmigrant workers described in section 101(a)(15)(H)(ii)(b).

"(i) The amount of the fee imposed under subparagraph (A) shall be $150.".

(b) USE OF FEES.—

(1) FRAUD PREVENTION AND DETECTION ACCOUNT.—Subsection (v) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended—

(A) in paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) by striking "H1–B and L" each place it appears;

(B) in paragraph (1), as amended by subparagraph (A), by striking "section 214(c)(12)" and inserting "paragraph (12) or (13) of section 214(c)";

(C) in paragraphs (2)(A)(i) and (2)(B), as amended by subparagraph (A), by striking "(H)(i)" each place it appears and inserting "(H)(i), (H)(ii), "; and

(D) in paragraph (2)(D), as amended by subparagraph (A), by inserting before the period at the end "or for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(ii)".

(2) CONFORMING AMENDMENT.—The heading of such subsection 286 is amended by striking "H1–B AND L".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2005.

SEC. 7004. SANCTIONS. (a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C.

1184(c)), as amended by section 3, is further amended by adding at the end the following:

"(14)(A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a substantial failure to meet any of the conditions of the petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

"(i) the Secretary of Homeland Security may, in addition to any other remedy authorized by law, impose such administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

"(ii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this subsection during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

"(iii) The Secretary of Homeland Security may delegate to the Secretary of Labor, with the agreement of the Secretary of Labor, any of the authority given to the Secretary of Homeland Security under subparagraph (A)(i).

"(iv) In determining the level of penalties to be assessed under subparagraph (A), the highest penalties shall

be reserved for willful failures to meet any of the conditions of the petition that involve harm to United States workers.

"(v) In this paragraph, the term 'substantial failure' means the willful failure to comply with the requirements of this section that constitutes a significant deviation from the terms and conditions of a petition.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 7005. ALLOCATION OF H–2B VISAS DURING A FISCAL YEAR. Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 7002, is further amended by adding at the end the following new paragraph:

"(j) The numerical limitations of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens who enter the United States pursuant to a visa or other provision of nonimmigrant status under section 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal year is not more than 33,000.".

SEC. 7006. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H–2B NONIMMIGRANTS.

Section 416 of the American Competitiveness and Workforce Improvement Act of 1998 (title IV of division C of Public Law 105–277; 8 U.S.C. 1184 note) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following new subsection:

"(d) PROVISION OF INFORMATION.—

"(1) QUARTERLY NOTIFICATION.—Beginning not later than March 1, 2006, the Secretary of Homeland Security shall notify, on a quarterly basis, the Committee on the Judiciary of the Senate and the Committee on the Judiciary of House of Representatives of the number of aliens who during the preceding 1-year period—

"(A) were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)); or

"(B) had such a visa or such status expire or be revoked or otherwise terminated.

"(2) ANNUAL SUBMISSION.—Beginning in fiscal year 2007, the Secretary of Homeland Security shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;

"(B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and

"(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

"(3) INFORMATION MAINTAINED BY STATE.—If the Secretary of Homeland Security determines that information maintained by the Secretary of State is required to make a submission described in paragraph (1) or (2), the Secretary of State shall provide such information to the Secretary of Homeland Security upon request.".

RECAPTURE OF VISAS

SEC. 7007. Section 106(d)(2)(A) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence "and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, or 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants, and the dependents of such immigrants, and 50 percent of such visas shall be made available to those whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor"; and

(2) in paragraph (2)(A), by striking "and 2000" and inserting "through 2004".

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 7008. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end "or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that

the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);"; and

(2) in clause (i), by striking "or" after "national;".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.".

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting ", section 101(a)(15)(E)(iii)," after "section 101(a)(15)(H)(i)(b)".

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting "or section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b1)" each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking "or" in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking "or" in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking "or" in the third place it appears.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".

Amend the title so as to read: "An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.".

Passed the House of Representatives March 16, 2005.

Attest: JEFF TRANDAHL,
Clerk.

Passed the Senate April 21, 2005.

Attest: EMILY J. REYNOLDS,
Secretary.