

In the Senate of the United States,

May 4, 2006.

Resolved, That the bill from the House of Representatives (H.R. 4939) entitled “An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 2006, and for other pur-*
4 *poses, namely:*

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TITLE I
GLOBAL WAR ON TERROR SUPPLEMENTAL
APPROPRIATIONS
CHAPTER 1
DEPARTMENT OF AGRICULTURE
FOREIGN AGRICULTURAL SERVICE
PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for “Public Law 480 Title II Grants”, 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, \$350,000,000, to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be used to support the previously approved fiscal year 2006 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses”, \$3,000,000, 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 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,500,000, 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 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$82,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursu-

1 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
2 *concurrent resolution on the budget for fiscal year 2006.*

3 *DRUG ENFORCEMENT ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For an additional amount for “Salaries and Ex-*
6 *penses”, \$5,000,000, to remain available until September*
7 *30, 2007: Provided, That the amount provided under this*
8 *heading is designated as an emergency requirement pursu-*
9 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
10 *concurrent resolution on the budget for fiscal year 2006.*

11 *BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND*

12 *EXPLOSIVES*

13 *SALARIES AND EXPENSES*

14 *For an additional amount for “Salaries and Ex-*
15 *penses”, \$4,000,000, to remain available until September*
16 *30, 2007: Provided, That the amount provided under this*
17 *heading is designated as an emergency requirement pursu-*
18 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
19 *concurrent resolution on the budget for fiscal year 2006.*

20 *DEPARTMENT OF STATE AND RELATED AGENCY*

21 *DEPARTMENT OF STATE*

22 *ADMINISTRATION OF FOREIGN AFFAIRS*

23 *DIPLOMATIC AND CONSULAR PROGRAMS*

24 *For an additional amount for “Diplomatic and Con-*
25 *sular Programs”, \$1,452,600,000, to remain available until*

1 *September 30, 2007: Provided, That of the funds available*
2 *under this heading, not less than \$250,000 shall be made*
3 *available for the establishment and adequate support, in-*
4 *cluding staffing and travel, of the Office of the Presidential*
5 *Special Envoy for Sudan, with a mandate that shall in-*
6 *clude pursuing, in conjunction with the African Union and*
7 *other international actors, a sustainable peace settlement to*
8 *end the genocide in Darfur, Sudan, assisting the parties*
9 *to the Comprehensive Peace Agreement for Sudan with im-*
10 *plementation of the Agreement, coordinating policy, making*
11 *recommendations, and pursuing efforts related to conflict*
12 *resolution to bring lasting stability to all areas of Sudan*
13 *and the region, including northern Uganda and Chad, fa-*
14 *cilitating, in cooperation with the people of Darfur and the*
15 *African Union, a dialogue within Darfur to promote con-*
16 *flict resolution and reconciliation at the grass roots level,*
17 *and developing a common policy approach among inter-*
18 *national partners to address such issues: Provided further,*
19 *That the amount provided under this heading is designated*
20 *as an emergency requirement pursuant to section 402 of*
21 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
22 *on the budget for fiscal year 2006.*

1 *OFFICE OF INSPECTOR GENERAL*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For an additional amount for “Office of Inspector*
4 *General”, \$25,300,000, to remain available until September*
5 *30, 2007, of which \$24,000,000 shall be transferred to the*
6 *Special Inspector General for Iraq Reconstruction: Pro-*
7 *vided, That the amounts provided under this heading are*
8 *designated as an emergency requirement pursuant to sec-*
9 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
10 *rent resolution on the budget for fiscal year 2006.*

11 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

12 *For an additional amount for “Educational and Cul-*
13 *tural Exchange Programs”, \$5,000,000, to remain available*
14 *until expended: Provided, That the amount provided under*
15 *this heading is designated as an emergency requirement*
16 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
17 *gress), the concurrent resolution on the budget for fiscal year*
18 *2006.*

19 *INTERNATIONAL ORGANIZATIONS*20 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*21 *ACTIVITIES*

22 *For an additional amount for “Contributions for*
23 *International Peacekeeping Activities”, \$129,800,000, to re-*
24 *main available until September 30, 2007: Provided, That*
25 *the amount provided under this heading is designated as*

1 *an emergency requirement pursuant to section 402 of H.*
2 *Con. Res. 95 (109th Congress), the concurrent resolution on*
3 *the budget for fiscal year 2006.*

4 *RELATED AGENCY*

5 *BROADCASTING BOARD OF GOVERNORS*

6 *INTERNATIONAL BROADCASTING OPERATIONS*

7 *For an additional amount for “International Broad-*
8 *casting Operations” for programs and activities promoting*
9 *democracy in Iran, \$30,250,000, to remain available until*
10 *expended: Provided, That the amount provided under this*
11 *heading is designated as an emergency requirement pursu-*
12 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
13 *concurrent resolution on the budget for fiscal year 2006.*

14 *GENERAL PROVISION—THIS CHAPTER*

15 *DIPLOMATIC AND CONSULAR PROGRAMS—LIMITATION*

16 *SEC. 1201. Notwithstanding any other provision of*
17 *this Act, the amount provided for “Diplomatic and Con-*
18 *sular Programs” shall be \$1,392,600,000.*

19 *AUTHORIZATION OF FUNDS*

20 *SEC. 1202. Funds appropriated or made available by*
21 *transfer in this chapter may be obligated and expended not-*
22 *withstanding section 15 of the State Department Basic Au-*
23 *thorities Act of 1956, section 10 of Public Law 91–672 (22*
24 *U.S.C. 2412), section 504(a)(1) of the National Security Act*
25 *of 1947 (50 U.S.C. 414(a)(1)) and section 313 of the For-*

1 *ign Relations Authorization Act, Fiscal Years 1994 and*
2 *1995 (Public Law 103–236).*

3 *SEC. 1203. DEPARTMENT OF STATE AND USAID AU-*
4 *THORITIES. (a) WAIVER OF ANNUITY LIMITATIONS ON RE-*
5 *EMPLOYED FOREIGN SERVICE ANNUITANTS.—Section*
6 *824(g) of the Foreign Service Act of 1980 (22 U.S.C.*
7 *4064(g)) is amended to read as follows:*

8 “(g)(1) *The Secretary of State may waive the applica-*
9 *tion of subsections (a) through (d) on a case-by-case basis*
10 *for an annuitant reemployed on a temporary basis, or*
11 *grant authority to the head of an Executive agency to waive*
12 *the application of subsections (a) through (d) on a case-*
13 *by-case basis for an annuitant reemployed on a temporary*
14 *basis—*

15 “(A) *if, and for so long as, such waiver is nec-*
16 *essary due to an emergency involving a direct threat*
17 *to life or property or other unusual circumstances; or*

18 “(B) *if the annuitant is employed in a position*
19 *for which there is exceptional difficulty in recruiting*
20 *or retaining a qualified employee.*

21 “(2) *The authority of the Secretary to waive the appli-*
22 *cation of subsections (a) through (d) for an annuitant pur-*
23 *suant to subparagraph (B) of paragraph (1), or to grant*
24 *authority to the head of an Executive agency to waive the*
25 *application of such subsections to an annuitant under sub-*

1 paragraphs (A) or (B) of such paragraph, shall terminate
2 on October 1, 2008. An annuitant reemployed pursuant to
3 such authority prior to such termination date may be em-
4 ployed for a period ending not later than one year after
5 such date.

6 “(3) The Secretary should prescribe procedures for the
7 exercise of any authority under paragraph (1), including
8 criteria for any exercise of authority and procedures for a
9 delegation of authority.”.

10 (b) *WAIVER OF ANNUITY LIMITATIONS ON REEM-*
11 *PLOYED CIVIL SERVICE ANNUITANTS.—*

12 (1) *DEPARTMENT OF STATE.—Title I of the De-*
13 *partment of State Basic Authorities Act of 1956 (22*
14 *U.S.C. 2651a et seq.) is amended by adding at the*
15 *end the following new section:*

16 **“SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE**
17 **CIVIL SERVICE RETIREMENT SYSTEM AND**
18 **FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**

19 “(a) *AUTHORITY.—*

20 “(1) *IN GENERAL.—The Secretary of State may*
21 *waive the application of the provisions of section*
22 *8344 or 8468 of title 5, United States Code, on a*
23 *case-by-case basis for employment of an annuitant in*
24 *a position in the Department of State for which there*
25 *is exceptional difficulty in recruiting or retaining a*

1 *qualified employee, or when a temporary emergency*
2 *hiring need exists.*

3 “(2) *TERMINATION OF AUTHORITY.*—*The author-*
4 *ity of the Secretary under paragraph (1) shall termi-*
5 *nate on October 1, 2008. An annuitant reemployed*
6 *pursuant to such authority prior to such termination*
7 *date may be employed for a period ending not later*
8 *than one year after such date.*

9 “(b) *PROCEDURES.*—*The Secretary should prescribe*
10 *procedures for the exercise of any authority under sub-*
11 *section (a), including criteria for any exercise of authority*
12 *and procedures for a delegation of authority.*

13 “(c) *ANNUITANTS NOT TREATED AS EMPLOYEES FOR*
14 *PURPOSES OF RETIREMENT BENEFITS.*—*An employee for*
15 *whom a waiver under this section is in effect shall not be*
16 *considered an employee for purposes of subchapter III of*
17 *chapter 83, or chapter 84 of title 5, United States Code.”.*

18 “(2) *UNITED STATES AGENCY FOR INTERNATIONAL*
19 *DEVELOPMENT.*—*Section 625 of the Foreign Assist-*
20 *ance Act of 1961 (22 U.S.C. 2385) is amended by*
21 *adding at the end the following new subsection:*

22 “(j)(1)(A) *The Administrator of the United States*
23 *Agency for International Development may waive the ap-*
24 *plication of the provisions of section 8344 or 8468 of title*
25 *5, United States Code, on a case-by-case basis for employ-*

1 *ment of an annuitant in a position in the United States*
2 *Agency for International Development for which there is ex-*
3 *ceptional difficulty in recruiting or retaining a qualified*
4 *employee, or when a temporary emergency hiring need ex-*
5 *ists.*

6 “(B) *The authority of the Administrator under sub-*
7 *paragraph (A) shall terminate on October 1, 2008. An an-*
8 *nuitant reemployed pursuant to such authority prior to*
9 *such termination date may be employed for a period ending*
10 *not later than one year after such date.*

11 “(2) *The Administrator should prescribe procedures for*
12 *the exercise of any authority under this subsection, includ-*
13 *ing criteria for any exercise of authority and procedures*
14 *for a delegation of authority.*

15 “(3) *An employee for whom a waiver under this sec-*
16 *tion is in effect shall not be considered an employee for pur-*
17 *poses of subchapter III of chapter 83, or chapter 84 of title*
18 *5, United States Code.”.*

19 (c) *REPORT ON USE OF ANNUITY LIMITATION WAIVER*
20 *AUTHORITY.—Not later than 1 year after the date of the*
21 *enactment of this Act, the Secretary of State shall submit*
22 *to the Committee on Foreign Relations and the Committee*
23 *on Homeland Security and Government Affairs of the Sen-*
24 *ate and the Committee on International Relations and the*
25 *Committee on Government Reform of the House of Rep-*

1 *representatives a report on the exercise of the waiver authori-*
2 *ties provided under section 824(g) of the Foreign Service*
3 *Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection*
4 *(a), section 61 of the State Department Basic Authorities*
5 *Act of 1956, as added by subsection (b)(1), and section*
6 *625(j) of the Foreign Assistance Act of 1961, as added by*
7 *subsection (b)(2). The report shall include the number and*
8 *type of positions that have been filled under such waiver*
9 *authority, and the retirement date, former job title, and new*
10 *job title of each annuitant reemployed under such authority.*

11 *(d) HOME LEAVE PROVISIONS.—*

12 *(1) TRAVEL EXPENSES FOR REST AND RECUPER-*
13 *ATION TRAVEL.—Section 901(6) of the Foreign Serv-*
14 *ice Act (22 U.S.C. 4081(6)) is amended by striking*
15 *“unbroken by home leave” each place it appears.*

16 *(2) AUTHORITY TO REQUIRE LEAVES OF AB-*
17 *SENCE.—Section 903(a) of the Foreign Service Act*
18 *(22 U.S.C. 4083) is amended by striking “18 months”*
19 *and inserting “12 months”.*

20 *(e) AUTHORITY TO PROVIDE ACCOMMODATION AND*
21 *SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AF-*
22 *GHANISTAN.—The Secretary of State may provide during*
23 *any fiscal year, with or without reimbursement, accommo-*
24 *dation and subsistence to personnel in Iraq and Afghani-*
25 *stan for whom the Chief of Mission is responsible.*

1 *PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES*
2 *IN IRAQ*

3 *SEC. 1204. None of the funds made available by title*
4 *I of this Act may be made available to establish permanent*
5 *United States military bases in Iraq, or to exercise United*
6 *States control over the oil infrastructure or oil resources of*
7 *Iraq.*

8 *PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES*
9 *IN IRAQ*

10 *SEC. 1205. None of the funds made available by title*
11 *I of this Act may be made available to establish permanent*
12 *military bases in Iraq or to exercise control over the oil*
13 *infrastructure or oil resources of Iraq.*

14 *CHAPTER 3*
15 *DEPARTMENT OF DEFENSE—MILITARY*

16 *MILITARY PERSONNEL*

17 *MILITARY PERSONNEL, ARMY*

18 *For an additional amount for “Military Personnel,*
19 *Army”, \$6,665,284,000: Provided, That the amount pro-*
20 *vided under this heading is designated as an emergency re-*
21 *quirement pursuant to section 402 of H. Con. Res. 95*
22 *(109th Congress), the concurrent resolution on the budget*
23 *for fiscal year 2006.*

24 *MILITARY PERSONNEL, NAVY*

25 *For an additional amount for “Military Personnel,*
26 *Navy”, \$1,071,474,000: Provided, That the amount pro-*

1 *vided under this heading is designated as an emergency re-*
2 *quirement pursuant to section 402 of H. Con. Res. 95*
3 *(109th Congress), the concurrent resolution on the budget*
4 *for fiscal year 2006.*

5 *MILITARY PERSONNEL, MARINE CORPS*

6 *For an additional amount for “Military Personnel,*
7 *Marine Corps”, \$860,872,000: Provided, That the amount*
8 *provided under this heading is designated as an emergency*
9 *requirement pursuant to section 402 of H. Con. Res. 95*
10 *(109th Congress), the concurrent resolution on the budget*
11 *for fiscal year 2006.*

12 *MILITARY PERSONNEL, AIR FORCE*

13 *For an additional amount for “Military Personnel,*
14 *Air Force”, \$1,195,713,000: Provided, That the amount*
15 *provided under this heading is designated as an emergency*
16 *requirement pursuant to section 402 of H. Con. Res. 95*
17 *(109th Congress), the concurrent resolution on the budget*
18 *for fiscal year 2006.*

19 *RESERVE PERSONNEL, ARMY*

20 *For an additional amount for “Reserve Personnel,*
21 *Army”, \$150,570,000: Provided, That the amount provided*
22 *under this heading is designated as an emergency require-*
23 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
24 *Congress), the concurrent resolution on the budget for fiscal*
25 *year 2006.*

1 *RESERVE PERSONNEL, NAVY*

2 *For an additional amount for “Reserve Personnel,*
3 *Navy”, \$115,712,000: Provided, That the amount provided*
4 *under this heading is designated as an emergency require-*
5 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
6 *Congress), the concurrent resolution on the budget for fiscal*
7 *year 2006.*

8 *RESERVE PERSONNEL, MARINE CORPS*

9 *For an additional amount for “Reserve Personnel, Ma-*
10 *rine Corps”, \$13,192,000: Provided, That the amount pro-*
11 *vided under this heading is designated as an emergency re-*
12 *quirement pursuant to section 402 of H. Con. Res. 95*
13 *(109th Congress), the concurrent resolution on the budget*
14 *for fiscal year 2006.*

15 *RESERVE PERSONNEL, AIR FORCE*

16 *For an additional amount for “Reserve Personnel, Air*
17 *Force”, \$3,440,000: Provided, That the amount provided*
18 *under this heading is designated as an emergency require-*
19 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
20 *Congress), the concurrent resolution on the budget for fiscal*
21 *year 2006.*

22 *NATIONAL GUARD PERSONNEL, ARMY*

23 *For an additional amount for “National Guard Per-*
24 *sonnel, Army”, \$121,550,000: Provided, That the amount*
25 *provided under this heading is designated as an emergency*

1 *requirement pursuant to section 402 of H. Con. Res. 95*
2 *(109th Congress), the concurrent resolution on the budget*
3 *for fiscal year 2006.*

4 *NATIONAL GUARD PERSONNEL, AIR FORCE*

5 *For an additional amount for “National Guard Per-*
6 *sonnel, Air Force”, \$6,200,000: Provided, That the amount*
7 *provided under this heading is designated as an emergency*
8 *requirement pursuant to section 402 of H. Con. Res. 95*
9 *(109th Congress), the concurrent resolution on the budget*
10 *for fiscal year 2006.*

11 *OPERATION AND MAINTENANCE*

12 *OPERATION AND MAINTENANCE, ARMY*

13 *For an additional amount for “Operation and Mainte-*
14 *nance, Army”, \$17,594,410,000: Provided, That the amount*
15 *provided under this heading is designated as an emergency*
16 *requirement pursuant to section 402 of H. Con. Res. 95*
17 *(109th Congress), the concurrent resolution on the budget*
18 *for fiscal year 2006.*

19 *OPERATION AND MAINTENANCE, NAVY*

20 *For an additional amount for “Operation and Mainte-*
21 *nance, Navy”, \$2,826,693,000: Provided, That the amount*
22 *provided under this heading is designated as an emergency*
23 *requirement pursuant to section 402 of H. Con. Res. 95*
24 *(109th Congress), the concurrent resolution on the budget*
25 *for fiscal year 2006.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS*

2 *For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,589,911,000: Provided, That the*
3 *amount provided under this heading is designated as an*
4 *emergency requirement pursuant to section 402 of H. Con.*
5 *Res. 95 (109th Congress), the concurrent resolution on the*
6 *budget for fiscal year 2006.*

8 *OPERATION AND MAINTENANCE, AIR FORCE*

9 *For an additional amount for “Operation and Maintenance, Air Force”, \$6,057,408,000: Provided, That the*
10 *amount provided under this heading is designated as an*
11 *emergency requirement pursuant to section 402 of H. Con.*
12 *Res. 95 (109th Congress), the concurrent resolution on the*
13 *budget for fiscal year 2006.*

15 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For an additional amount for “Operation and Maintenance, Defense-Wide”, \$2,879,899,000, of which—*

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

22 *(2) not to exceed \$740,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating*
23 *countries;*
24 *and*
25 *to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating*

1 *nations, for logistical, military, and other support*
2 *provided, or to be provided, to United States military*
3 *operations, notwithstanding any other provision of*
4 *law: Provided, That such payments may be made in*
5 *such amounts as the Secretary of Defense, with the*
6 *concurrence of the Secretary of State, and in con-*
7 *sultation with the Director of the Office of Manage-*
8 *ment and Budget, may determine, in his discretion,*
9 *based on documentation determined by the Secretary*
10 *of Defense to adequately account for the support pro-*
11 *vided, and such determination is final and conclusive*
12 *upon the accounting officers of the United States, and*
13 *15 days following notification to the appropriate con-*
14 *gressional committees: Provided further, That the Sec-*
15 *retary of Defense shall provide quarterly reports to*
16 *the congressional defense committees on the use of*
17 *funds provided in this paragraph;*

18 *(3) not to exceed \$36,500,000 for Cooperative*
19 *Threat Reduction; and*

20 *(4) \$75,000,000 shall be transferred to the Coast*
21 *Guard “Operating Expenses” account:*

22 *Provided, That the amount provided under this heading is*
23 *designated as an emergency requirement pursuant to sec-*
24 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
25 *rent resolution on the budget for fiscal year 2006.*

1 *OPERATION AND MAINTENANCE, ARMY RESERVE*

2 *For an additional amount for “Operation and Maintenance, Army Reserve”, \$100,100,000: Provided, That the*
3 *amount provided under this heading is designated as an*
4 *emergency requirement pursuant to section 402 of H. Con.*
5 *Res. 95 (109th Congress), the concurrent resolution on the*
6 *budget for fiscal year 2006.*

8 *OPERATION AND MAINTENANCE, NAVY RESERVE*

9 *For an additional amount for “Operation and Maintenance, Navy Reserve”, \$236,509,000: Provided, That the*
10 *amount provided under this heading is designated as an*
11 *emergency requirement pursuant to section 402 of H. Con.*
12 *Res. 95 (109th Congress), the concurrent resolution on the*
13 *budget for fiscal year 2006.*

15 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

16 *For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$87,875,000: Provided, That*
17 *the amount provided under this heading is designated as*
18 *an emergency requirement pursuant to section 402 of H.*
19 *Con. Res. 95 (109th Congress), the concurrent resolution on*
20 *the budget for fiscal year 2006.*

22 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

23 *For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$18,563,000: Provided, That the*
24 *amount provided under this heading is designated as an*
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1 *emergency requirement pursuant to section 402 of H. Con.*
2 *Res. 95 (109th Congress), the concurrent resolution on the*
3 *budget for fiscal year 2006.*

4 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Army National Guard”, \$178,600,000: Provided,*
7 *That the amount provided under this heading is designated*
8 *as an emergency requirement pursuant to section 402 of*
9 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
10 *on the budget for fiscal year 2006.*

11 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

12 *For an additional amount for “Operation and Mainte-*
13 *nance, Air National Guard”, \$30,400,000: Provided, That*
14 *the amount provided under this heading is designated as*
15 *an emergency requirement pursuant to section 402 of H.*
16 *Con. Res. 95 (109th Congress), the concurrent resolution on*
17 *the budget for fiscal year 2006.*

18 *AFGHANISTAN SECURITY FORCES FUND*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the “Afghanistan Security Forces Fund”,*
21 *\$1,908,133,000, to remain available until September 30,*
22 *2007: Provided, That such funds shall be available to the*
23 *Secretary of Defense, notwithstanding any other provision*
24 *of law, for the purpose of allowing the Commander, Office*
25 *of Security Cooperation—Afghanistan, or the Secretary’s*

1 *designee, to provide assistance, with the concurrence of the*
2 *Secretary of State, to the security forces of Afghanistan, in-*
3 *cluding the provision of equipment, supplies, services,*
4 *training, facility and infrastructure repair, renovation,*
5 *and construction, and funding: Provided further, That the*
6 *authority to provide assistance under this section is in ad-*
7 *dition to any other authority to provide assistance to for-*
8 *eign nations: Provided further, That the Secretary of De-*
9 *fense may transfer such funds to appropriations for mili-*
10 *tary personnel; operation and maintenance; Overseas Hu-*
11 *manitarian, Disaster, and Civic Aid; procurement; re-*
12 *search, development, test and evaluation; and defense work-*
13 *ing capital funds to accomplish the purposes provided here-*
14 *in: Provided further, That this transfer authority is in ad-*
15 *dition to any other transfer authority available to the De-*
16 *partment of Defense: Provided further, That upon a deter-*
17 *mination that all or part of the funds so transferred from*
18 *this appropriation are not necessary for the purposes pro-*
19 *vided herein, such amounts may be transferred back to this*
20 *appropriation: Provided further, That contributions of*
21 *funds for the purposes provided herein from any person,*
22 *foreign government, or international organization may be*
23 *credited to this Fund, and used for such purposes: Provided*
24 *further, That the Secretary shall notify the congressional*
25 *defense committees in writing upon the receipt and upon*

1 *the transfer of any contribution, delineating the sources and*
2 *amounts of the funds received and the specific use of such*
3 *contributions: Provided further, That the Secretary of De-*
4 *fense shall, not fewer than five days prior to making trans-*
5 *fers from this appropriation account, notify the congres-*
6 *sional defense committees in writing of the details of any*
7 *such transfer: Provided further, That the Secretary shall*
8 *submit a report no later than 30 days after the end of each*
9 *fiscal quarter to the congressional defense committees sum-*
10 *marizing the details of the transfer of funds from this ap-*
11 *propriation: Provided further, That the amount provided*
12 *under this heading is designated as an emergency require-*
13 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
14 *Congress), the concurrent resolution on the budget for fiscal*
15 *year 2006.*

16 *IRAQ SECURITY FORCES FUND*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the “Iraq Security Forces Fund”, \$3,703,000,000,*
19 *to remain available until September 30, 2007: Provided,*
20 *That such funds shall be available to the Secretary of De-*
21 *fense, notwithstanding any other provision of law, for the*
22 *purpose of allowing the Commander, Multi-National Secu-*
23 *rity Transition Command—Iraq, or the Secretary’s des-*
24 *ignee, to provide assistance, with the concurrence of the Sec-*
25 *retary of State, to the security forces of Iraq, including the*

1 *provision of equipment, supplies, services, training, facility*
2 *and infrastructure repair, renovation, and construction,*
3 *and funding: Provided further, That the authority to pro-*
4 *vide assistance under this section is in addition to any*
5 *other authority to provide assistance to foreign nations:*
6 *Provided further, That the Secretary of Defense may trans-*
7 *fer such funds to appropriations for military personnel; op-*
8 *eration and maintenance; Overseas Humanitarian, Dis-*
9 *aster, and Civic Aid; procurement; research, development,*
10 *test and evaluation; and defense working capital funds to*
11 *accomplish the purposes provided herein: Provided further,*
12 *That this transfer authority is in addition to any other*
13 *transfer authority available to the Department of Defense:*
14 *Provided further, That upon a determination that all or*
15 *part of the funds so transferred from this appropriation are*
16 *not necessary for the purposes provided herein, such*
17 *amounts may be transferred back to this appropriation:*
18 *Provided further, That contributions of funds for the pur-*
19 *poses provided herein from any person, foreign government,*
20 *or international organization may be credited to this Fund,*
21 *and used for such purposes: Provided further, That the Sec-*
22 *retary shall notify the congressional defense committees in*
23 *writing upon the receipt and upon the transfer of any con-*
24 *tribution, delineating the sources and amounts of the funds*
25 *received and the specific use of such contributions: Provided*

1 *further, That the Secretary of Defense shall, not fewer than*
2 *five days prior to making transfers from this appropriation*
3 *account, notify the congressional defense committees in*
4 *writing of the details of any such transfer: Provided further,*
5 *That the Secretary shall submit a report no later than 30*
6 *days after the end of each fiscal quarter to the congressional*
7 *defense committees summarizing the details of the transfer*
8 *of funds from this appropriation: Provided further, That*
9 *the amount provided under this heading is designated as*
10 *an emergency requirement pursuant to section 402 of H.*
11 *Con. Res. 95 (109th Congress), the concurrent resolution on*
12 *the budget for fiscal year 2006.*

13 *IRAQ FREEDOM FUND*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For an additional amount for “Iraq Freedom Fund”,*
16 *\$25,000,000, to remain available for transfer until Sep-*
17 *tember 30, 2007: Provided, That the amount provided under*
18 *this heading is designated as an emergency requirement*
19 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
20 *gress), the concurrent resolution on the budget for fiscal year*
21 *2006.*

22 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For the “Joint Improvised Explosive Device Defeat*
25 *Fund”, \$1,958,089,000, to remain available until Sep-*

1 *tember 30, 2008: Provided, That such funds shall be avail-*
2 *able to the Secretary of Defense, notwithstanding any other*
3 *provision of law, for the purpose of allowing the Director*
4 *of the Joint Improvised Explosive Device Defeat Organiza-*
5 *tion to investigate, develop and provide equipment, sup-*
6 *plies, services, training, facilities, personnel and funds to*
7 *assist United States forces in the defeat of improvised explo-*
8 *sive devices: Provided further, That within 90 days of the*
9 *enactment of this Act, a plan for the intended management*
10 *and use of the Fund is provided to the congressional defense*
11 *committees: Provided further, That the Secretary of Defense*
12 *shall submit a report not later than 30 days after the end*
13 *of each fiscal quarter to the congressional defense commit-*
14 *tees providing assessments of the evolving threats, indi-*
15 *vidual service requirements to counter the threats, the cur-*
16 *rent strategy for predeployment training of members of the*
17 *Armed Forces on improvised explosive devices, and details*
18 *on the execution of this Fund: Provided further, That the*
19 *Secretary of Defense may transfer funds provided herein to*
20 *appropriations for military personnel; operation and main-*
21 *tenance; procurement; research, development, test and eval-*
22 *uation; and defense working capital funds to accomplish the*
23 *purpose provided herein: Provided further, That this trans-*
24 *fer authority is in addition to any other transfer authority*
25 *available to the Department of Defense: Provided further,*

1 *That upon determination that all or part of the funds so*
2 *transferred from this appropriation are not necessary for*
3 *the purpose provided herein, such amounts may be trans-*
4 *ferred back to this appropriation: Provided further, That*
5 *the Secretary of Defense shall, not fewer than 5 days prior*
6 *to making transfers from this appropriation, notify the con-*
7 *gressional defense committees in writing of the details of*
8 *any such transfer: Provided further, That the amount pro-*
9 *vided under this heading is designated as an emergency re-*
10 *quirement pursuant to section 402 of H. Con. Res. 95*
11 *(109th Congress), the concurrent resolution on the budget*
12 *for fiscal year 2006.*

13 *PROCUREMENT*

14 *AIRCRAFT PROCUREMENT, ARMY*

15 *For an additional amount for “Aircraft Procurement,*
16 *Army”, \$533,200,000, to remain available until September*
17 *30, 2008: Provided, That the amount provided under this*
18 *heading is designated as an emergency requirement pursu-*
19 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
20 *concurrent resolution on the budget for fiscal year 2006.*

21 *MISSILE PROCUREMENT, ARMY*

22 *For an additional amount for “Missile Procurement,*
23 *Army”, \$203,300,000, to remain available until September*
24 *30, 2008: Provided, That the amount provided under this*
25 *heading is designated as an emergency requirement pursu-*

1 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
2 *concurrent resolution on the budget for fiscal year 2006.*

3 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
4 *VEHICLES, ARMY*

5 *For an additional amount for “Procurement of Weap-*
6 *ons and Tracked Combat Vehicles, Army”, \$1,592,451,000,*
7 *to remain available until September 30, 2008: Provided,*
8 *That the amount provided under this heading is designated*
9 *as an emergency requirement pursuant to section 402 of*
10 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
11 *on the budget for fiscal year 2006.*

12 *PROCUREMENT OF AMMUNITION, ARMY*

13 *For an additional amount for “Procurement of Am-*
14 *munition, Army”, \$829,679,000, to remain available until*
15 *September 30, 2008: Provided, That the amount provided*
16 *under this heading is designated as an emergency require-*
17 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
18 *Congress), the concurrent resolution on the budget for fiscal*
19 *year 2006.*

20 *OTHER PROCUREMENT, ARMY*

21 *For an additional amount for “Other Procurement,*
22 *Army”, \$6,286,145,000, to remain available until Sep-*
23 *tember 30, 2008: Provided, That the amount provided under*
24 *this heading is designated as an emergency requirement*
25 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*

1 *gress), the concurrent resolution on the budget for fiscal year*
2 *2006.*

3 *AIRCRAFT PROCUREMENT, NAVY*

4 *For an additional amount for “Aircraft Procurement,*
5 *Navy”, \$412,169,000, to remain available until September*
6 *30, 2008: Provided, That the amount provided under this*
7 *heading is designated as an emergency requirement pursu-*
8 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
9 *concurrent resolution on the budget for fiscal year 2006.*

10 *WEAPONS PROCUREMENT, NAVY*

11 *For an additional amount for “Weapons Procurement,*
12 *Navy”, \$63,351,000, to remain available until September*
13 *30, 2008: Provided, That the amount provided under this*
14 *heading is designated as an emergency requirement pursu-*
15 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
16 *concurrent resolution on the budget for fiscal year 2006.*

17 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

18 *CORPS*

19 *For an additional amount for “Procurement of Am-*
20 *munition, Navy and Marine Corps”, \$327,126,000, to re-*
21 *main available until September 30, 2008: Provided, That*
22 *the amount provided under this heading is designated as*
23 *an emergency requirement pursuant to section 402 of H.*
24 *Con. Res. 95 (109th Congress), the concurrent resolution on*
25 *the budget for fiscal year 2006.*

1 *OTHER PROCUREMENT, NAVY*

2 *For an additional amount for “Other Procurement,*
3 *Navy”, \$140,144,000, to remain available until September*
4 *30, 2008: Provided, That the amount provided under this*
5 *heading is designated as an emergency requirement pursu-*
6 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
7 *concurrent resolution on the budget for fiscal year 2006.*

8 *PROCUREMENT, MARINE CORPS*

9 *For an additional amount for “Procurement, Marine*
10 *Corps”, \$2,576,467,000, to remain available until Sep-*
11 *tember 30, 2008: Provided, That the amount provided under*
12 *this heading is designated as an emergency requirement*
13 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
14 *gress), the concurrent resolution on the budget for fiscal year*
15 *2006.*

16 *AIRCRAFT PROCUREMENT, AIR FORCE*

17 *For an additional amount for “Aircraft Procurement,*
18 *Air Force”, \$679,515,000, to remain available until Sep-*
19 *tember 30, 2008: Provided, That the amount provided under*
20 *this heading is designated as an emergency requirement*
21 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
22 *gress), the concurrent resolution on the budget for fiscal year*
23 *2006.*

1 *PROCUREMENT OF AMMUNITION, AIR FORCE*

2 *For an additional amount for “Procurement of Am-*
3 *munition, Air Force”, \$29,047,000 to remain available*
4 *until September 30, 2008: Provided, That the amount pro-*
5 *vided under this heading is designated as an emergency re-*
6 *quirement pursuant to section 402 of H. Con. Res. 95*
7 *(109th Congress), the concurrent resolution on the budget*
8 *for fiscal year 2006.*

9 *OTHER PROCUREMENT, AIR FORCE*

10 *For an additional amount for “Other Procurement,*
11 *Air Force”, \$1,452,651,000, to remain available until Sep-*
12 *tember 30, 2008: Provided, That the amount provided under*
13 *this heading is designated as an emergency requirement*
14 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
15 *gress), the concurrent resolution on the budget for fiscal year*
16 *2006.*

17 *PROCUREMENT, DEFENSE-WIDE*

18 *For an additional amount for “Procurement, Defense-*
19 *Wide”, \$331,353,000, to remain available until September*
20 *30, 2008: Provided, That the amount provided under this*
21 *heading is designated as an emergency requirement pursu-*
22 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
23 *concurrent resolution on the budget for fiscal year 2006.*

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

3 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*
4 *For an additional amount for “Research, Develop-*
5 *ment, Test and Evaluation, Army”, \$54,700,000, to remain*
6 *available until September 30, 2007: Provided, That the*
7 *amount provided under this heading is designated as an*
8 *emergency requirement pursuant to section 402 of H. Con.*
9 *Res. 95 (109th Congress), the concurrent resolution on the*
10 *budget for fiscal year 2006.*

11 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*
12 *For an additional amount for “Research, Develop-*
13 *ment, Test and Evaluation, Navy”, \$124,845,000, to re-*
14 *main available until September 30, 2007: Provided, That*
15 *the amount provided under this heading is designated as*
16 *an emergency requirement pursuant to section 402 of H.*
17 *Con. Res. 95 (109th Congress), the concurrent resolution on*
18 *the budget for fiscal year 2006.*

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

21 *For an additional amount for “Research, Develop-*
22 *ment, Test and Evaluation, Air Force”, \$382,630,000, to*
23 *remain available until September 30, 2007: Provided, That*
24 *the amount provided under this heading is designated as*
25 *an emergency requirement pursuant to section 402 of H.*

1 *Con. Res. 95 (109th Congress), the concurrent resolution on*
 2 *the budget for fiscal year 2006.*

3 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
 4 *DEFENSE-WIDE*

5 *For an additional amount for “Research, Develop-*
 6 *ment, Test and Evaluation, Defense-Wide”, \$148,551,000,*
 7 *to remain available until September 30, 2007: Provided,*
 8 *That the amount provided under this heading is designated*
 9 *as an emergency requirement pursuant to section 402 of*
 10 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
 11 *on the budget for fiscal year 2006.*

12 *REVOLVING AND MANAGEMENT FUNDS*

13 *DEFENSE WORKING CAPITAL FUNDS*

14 *For an additional amount for “Defense Working Cap-*
 15 *ital Funds”, \$516,700,000: Provided, That the amount pro-*
 16 *vided under this heading is designated as an emergency re-*
 17 *quirement pursuant to section 402 of H. Con. Res. 95*
 18 *(109th Congress), the concurrent resolution on the budget*
 19 *for fiscal year 2006.*

20 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

21 *DEFENSE HEALTH PROGRAM*

22 *For an additional amount for “Defense Health Pro-*
 23 *gram”, \$1,153,562,000 for operation and maintenance:*
 24 *Provided, That the amount provided under this heading is*
 25 *designated as an emergency requirement pursuant to sec-*

1 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
2 *rent resolution on the budget for fiscal year 2006.*

3 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Drug Interdiction and*
6 *Counter-Drug Activities”, \$154,596,000, to remain avail-*
7 *able until expended: Provided, That these funds may be used*
8 *only for such activities related to Afghanistan and the Cen-*
9 *tral Asia area: Provided further, That the Secretary of De-*
10 *fense may transfer such funds only to appropriations for*
11 *military personnel; operation and maintenance; procure-*
12 *ment; and research, development, test and evaluation: Pro-*
13 *vided further, That the funds transferred shall be merged*
14 *with and be available for the same purposes and for the*
15 *same time period as the appropriation to which transferred:*
16 *Provided further, That the transfer authority provided in*
17 *this paragraph is in addition to any other transfer author-*
18 *ity available to the Department of Defense: Provided fur-*
19 *ther, That upon a determination that all or part of the*
20 *funds transferred from this appropriation are not necessary*
21 *for the purposes provided herein, such amounts may be*
22 *transferred back to this appropriation: Provided further,*
23 *That the amount provided under this heading is designated*
24 *as an emergency requirement pursuant to section 402 of*

1 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
 2 *on the budget for fiscal year 2006.*

3 *OFFICE OF THE INSPECTOR GENERAL*

4 *For an additional amount for “Office of the Inspector*
 5 *General”, \$1,815,000: Provided, That the amount provided*
 6 *under this heading is designated as an emergency require-*
 7 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
 8 *Congress), the concurrent resolution on the budget for fiscal*
 9 *year 2006.*

10 *OTHER INDEPENDENT AGENCY*

11 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

12 *For an additional amount for the “Intelligence Com-*
 13 *munity Management Account”, \$158,875,000: Provided,*
 14 *That the amount provided under this heading is designated*
 15 *as an emergency requirement pursuant to section 402 of*
 16 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
 17 *on the budget for fiscal year 2006.*

18 *GENERAL PROVISIONS—THIS CHAPTER*

19 *SPECIAL TRANSFER AUTHORITY*

20 *(TRANSFER OF FUNDS)*

21 *SEC. 1301. Upon his determination that such action*
 22 *is necessary in the national interest, the Secretary of De-*
 23 *fense may transfer between appropriations up to*
 24 *\$2,000,000,000 of the funds made available to the Depart-*
 25 *ment of Defense in this chapter: Provided, That the Sec-*
 26 *retary shall notify the Congress promptly of each transfer*

1 *made pursuant to this authority: Provided further, That the*
2 *transfer authority provided in this section is in addition*
3 *to any other transfer authority available to the Department*
4 *of Defense: Provided further, That the authority in this sec-*
5 *tion is subject to the same terms and conditions as the au-*
6 *thority provided in section 8005 of the Department of De-*
7 *fense Appropriations Act, 2006, except for the fourth pro-*
8 *viso: Provided further, That the amount made available by*
9 *the transfer of funds in or pursuant to this section is des-*
10 *ignated as an emergency requirement pursuant to section*
11 *402 of H. Con. Res. 95 (109th Congress), the concurrent*
12 *resolution on the budget for fiscal year 2006.*

13 *GENERAL TRANSFER AUTHORITY*

14 *(TRANSFER OF FUNDS)*

15 *SEC. 1302. Section 8005 of the Department of Defense*
16 *Appropriations Act, 2006, (Public Law 109–148; 119 Stat.*
17 *2680), is amended by striking “\$3,750,000,000” and insert-*
18 *ing “\$4,350,000,000”: Provided, That the amount made*
19 *available by the transfer of funds in or pursuant to this*
20 *section is designated as an emergency requirement pursuant*
21 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
22 *current resolution on the budget for fiscal year 2006.*

23 *DEFENSE COOPERATION ACCOUNT*

24 *(TRANSFER OF FUNDS)*

25 *SEC. 1303. During fiscal year 2006 and from funds*
26 *in the Defense Cooperation Account, the Secretary of De-*

1 *fense may transfer not to exceed \$5,800,000 to such appro-*
2 *priations or funds of the Department of Defense as he shall*
3 *determine for use consistent with the purposes for which*
4 *such funds were contributed and accepted: Provided, That*
5 *such amounts shall be available for the same time period*
6 *as the appropriation to which transferred: Provided further,*
7 *That the amount made available by the transfer of funds*
8 *in or pursuant to this section is designated as an emergency*
9 *requirement pursuant to section 402 of H. Con. Res. 95*
10 *(109th Congress), the concurrent resolution on the budget*
11 *for fiscal year 2006.*

12 *UNITED STATES CONTRIBUTIONS TO NATO*

13 *SEC. 1304. Section 1005(c)(2) of the National Defense*
14 *Authorization Act, Fiscal Year 2006 (Public Law 109-163)*
15 *is amended by striking “\$289,447,000” and inserting*
16 *“\$345,547,000”.*

17 *COUNTER-DRUG ACTIVITIES*

18 *SEC. 1305. (a) AUTHORITY TO PROVIDE SUPPORT.—*
19 *Of the amount appropriated by this Act under the heading,*
20 *“Drug Interdiction and Counter-Drug Activities, Defense”,*
21 *not to exceed \$23,100,000 may be made available for sup-*
22 *port for counter-drug activities of the Governments of Af-*
23 *ghanistan, Pakistan, and Kyrgyzstan: Provided, That such*
24 *support shall be in addition to support provided for the*
25 *counter-drug activities of such Governments under any*
26 *other provision of the law.*

1 ***(b) TYPES OF SUPPORT.—***

2 ***(1) Except as specified in subsections (b)(2) and***
3 ***(b)(3) of this section, the support that may be pro-***
4 ***vided under the authority in this section shall be lim-***
5 ***ited to the types of support specified in section***
6 ***1033(c)(1) of the National Defense Authorization Act***
7 ***for Fiscal Year 1998 (Public Law 105–85, as amend-***
8 ***ed by Public Law 106–398 and Public Law 108–***
9 ***136), and conditions on the provision of support as***
10 ***contained in section 1033 shall apply for fiscal year***
11 ***2006.***

12 ***(2) The Secretary of Defense may transfer vehi-***
13 ***cles, aircraft, and detection, interception, monitoring***
14 ***and testing equipment to said Governments for***
15 ***counter-drug activities.***

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

20 ***ADVANCE BILLING***

21 ***SEC. 1306. Notwithstanding 10 U.S.C. 2208(l), the***
22 ***total amount of advance billings rendered or imposed for***
23 ***all working capital funds of the Department of Defense in***
24 ***fiscal year 2006 shall not exceed \$1,200,000,000: Provided,***
25 ***That the amount provided under this heading is designated***
26 ***as an emergency requirement pursuant to section 402 of***

1 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
2 *on the budget for fiscal year 2006.*

3 *COMMANDER'S EMERGENCY RESPONSE PROGRAM*

4 *SEC. 1307. In addition to amounts authorized in sec-*
5 *tion 1202(a) of Public Law 109-163, from funds made*
6 *available in this chapter to the Department of Defense, not*
7 *to exceed \$423,000,000 may be used to fund the Com-*
8 *mander's Emergency Response Program and for a similar*
9 *program to assist the people of Afghanistan, to remain*
10 *available until December 31, 2007.*

11 *SUPERVISION AND ADMINISTRATION COSTS OF*
12 *CONSTRUCTION PROJECTS*

13 *SEC. 1308. Supervision and administration costs asso-*
14 *ciated with a construction project funded with Afghan Secu-*
15 *rity Forces Fund or Iraq Security Forces Fund appropria-*
16 *tions may be obligated at the time a construction contract*
17 *is awarded: Provided, That for the purpose of this section,*
18 *supervision and administration costs include all in-house*
19 *Government costs.*

20 *PROHIBITION OF NEW START PROGRAMS*

21 *SEC. 1309. None of the funds provided in this chapter*
22 *may be used to finance programs or activities denied by*
23 *Congress in fiscal year 2005 and 2006 appropriations to*
24 *the Department of Defense or to initiate a procurement or*
25 *research, development, test and evaluation new start pro-*

1 *gram without prior written notification to the congressional*
2 *defense committees.*

3 *RETROACTIVE PAYMENT OF ADDITIONAL DEATH GRATUITY*

4 *SEC. 1310. (a) Effective as of January 6, 2006, and*
5 *as if included in the enactment of the National Defense Au-*
6 *thorization Act for Fiscal Year 2006 (Public Law 109–163),*
7 *subsection (d)(2) of section 1478 of title 10, United States*
8 *Code, as added by section 664(b) of such Act (119 Stat.*
9 *3316), is amended by striking “May 11, 2005” and insert-*
10 *ing “August 31, 2005”.*

11 *(b) AVAILABILITY OF FUNDS.—Of the amounts appro-*
12 *priated or otherwise made available by this chapter for*
13 *military personnel, an aggregate of \$48,750,000 shall be*
14 *available for the retroactive payment of death gratuity with*
15 *respect to members of the Armed Forces as a result of the*
16 *amendment made by subsection (a).*

17 *VOTING ASSISTANCE*

18 *SEC. 1311. (a) Congress recognizes the importance of*
19 *ensuring that absent uniformed services voters, Department*
20 *of Defense personnel, and their dependents have the oppor-*
21 *tunity to exercise their right to vote.*

22 *(b) IVAS BALLOT REQUEST PROGRAM.—*

23 *(1) The Interim Voting Assistance System*
24 *(IVAS) Ballot Request Program shall be continued*
25 *with respect to all Department of Defense personnel,*
26 *and their families, covered by the Uniformed and*

1 *Overseas Citizens Absentee Voting Act (42 U.S.C.*
2 *1973ff et seq.).*

3 (2) *Not later than 90 days after the date of the*
4 *enactment of this Act, the Secretary shall submit to*
5 *the congressional defense committees a report on the*
6 *status of the program.*

7 (c) *FUNDING.—Of the amounts provided by this Act,*
8 *\$5,820,000 shall be available for the program referred to*
9 *in subsection (b).*

10 *NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS*
11 *PERFORMING ACTIVE SERVICE IN THE UNIFORMED*
12 *SERVICES OR NATIONAL GUARD*

13 *SEC. 1312. (a) SHORT TITLE.—This section may be*
14 *cited as the “Reservists Pay Security Act of 2006”.*

15 (b) *IN GENERAL.—Subchapter IV of chapter 55 of title*
16 *5, United States Code, is amended by adding at the end*
17 *the following:*

18 **“§ 5538. Nonreduction in pay while serving in the uni-**
19 **formed services or National Guard**

20 *“(a) An employee who is absent from a position of em-*
21 *ployment with the Federal Government in order to perform*
22 *active duty in the uniformed services pursuant to a call*
23 *or order to active duty under a provision of law referred*
24 *to in section 101(a)(13)(B) of title 10 shall be entitled, while*
25 *serving on active duty, to receive, for each pay period de-*

1 *scribed in subsection (b), an amount equal to the amount*
2 *by which—*

3 “(1) *the amount of basic pay which would other-*
4 *wise have been payable to such employee for such pay*
5 *period if such employee’s civilian employment with*
6 *the Government had not been interrupted by that*
7 *service, exceeds (if at all)*

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

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

12 “(B) *is allocable to such pay period.*

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

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

21 “(B) *for which such employee does not otherwise*
22 *receive basic pay (including by taking any annual,*
23 *military, or other paid leave) to which such employee*
24 *is entitled by virtue of such employee’s civilian em-*
25 *ployment with the Government.*

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

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

6 “(B) *shall include any period of time specified*
7 *in section 4312(e) of title 38 within which an em-*
8 *ployee may report or apply for employment or reem-*
9 *ployment following completion of service on active*
10 *duty to which called or ordered as described in sub-*
11 *section (a).*

12 “(c) *Any amount payable under this section to an em-*
13 *ployee shall be paid—*

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

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

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

22 “(d) *The Office of Personnel Management shall, in con-*
23 *sultation with Secretary of Defense, prescribe any regula-*
24 *tions necessary to carry out the preceding provisions of this*
25 *section.*

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

5 “(2) *The Administrator of the Federal Aviation Ad-*
6 *ministration shall, in consultation with the Office, prescribe*
7 *procedures to ensure that the rights under this section apply*
8 *to the employees of that agency.*

9 “(f) *For purposes of this section—*

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

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

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

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

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

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

6 *SENSE OF SENATE ON REQUESTS FOR FUNDS FOR MILI-*
7 *TARY OPERATIONS IN IRAQ AND AFGHANISTAN FOR*
8 *FISCAL YEARS AFTER FISCAL YEAR 2007*

9 *SEC. 1313. (a) FINDINGS.*—*The Senate makes the fol-*
10 *lowing findings:*

11 (1) *Title IX of the Department of Defense Appro-*
12 *propriations Act, 2006 (division A of Public Law 109-*
13 *148) appropriated \$50,000,000,000 for the cost of on-*
14 *going military operations overseas in fiscal year*
15 *2006, although those funds were not requested by the*
16 *President.*

17 (2) *The President on February 16, 2006, sub-*
18 *mitted to Congress a request for supplemental appro-*
19 *propriations in the amount of \$67,600,000,000 for ongo-*
20 *ing military operations in fiscal year 2006, none of*
21 *which supplemental appropriations was included in*
22 *the concurrent resolution on the budget for fiscal year*
23 *2006, as agreed to in the Senate on April 28, 2005.*

1 (3) *The President on February 6, 2006, included*
2 *a \$50,000,000,000 allowance for ongoing military op-*
3 *erations in fiscal year 2007, but did not formally re-*
4 *quest the funds or provide any detail on how the al-*
5 *lowance may be used.*

6 (4) *The concurrent resolution on the budget for*
7 *fiscal year 2007, as agreed to in the Senate on March*
8 *16, 2007, anticipates as much as \$86,300,000,000 in*
9 *emergency spending in fiscal year 2007, indicating*
10 *that the Senate expects to take up another supple-*
11 *mental appropriations bill to fund ongoing military*
12 *operations during fiscal year 2007.*

13 (b) *SENSE OF SENATE.—It is the sense of the Senate*
14 *that—*

15 (1) *any request for funds for a fiscal year after*
16 *fiscal year 2007 for ongoing military operations in*
17 *Afghanistan and Iraq should be included in the an-*
18 *nuual budget of the President for such fiscal year as*
19 *submitted to Congress under section 1105(a) of title*
20 *31, United States Code;*

21 (2) *any request for funds for such a fiscal year*
22 *for ongoing military operations should provide an es-*
23 *timate of all funds required in that fiscal year for*
24 *such operations;*

1 (3) any request for funds for ongoing military
2 operations should include a detailed justification of
3 the anticipated use of such funds for such operations;
4 and

5 (4) any funds provided for ongoing military op-
6 erations overseas should be provided in appropria-
7 tions Acts for such fiscal year through appropriations
8 to specific accounts set forth in such appropriations
9 Acts.

10 SEC. 1314. (a) The amount appropriated by this chap-
11 ter under the heading “OPERATION AND MAINTENANCE, DE-
12 FENSE-WIDE” and available for Cooperative Threat Reduc-
13 tion is increased by \$8,000,000.

14 (b) Of the amount appropriated by this chapter under
15 the heading “OPERATION AND MAINTENANCE, DEFENSE-
16 WIDE” and available for Cooperative Threat Reduction, as
17 increased by subsection (a), \$44,500,000 shall be deposited
18 in the Former Soviet Union Threat Reduction Account and
19 shall remain available until September 30, 2008.

20 (c) The amount made available under subsection (a)
21 is designated as an emergency requirement pursuant to sec-
22 tion 402 of H. Con. Res. 95 (109th Congress), the concur-
23 rent resolution on the budget for fiscal year 2006.

1 *CHAPTER 4*

2 *BILATERAL ECONOMIC ASSISTANCE*

3 *FUNDS APPROPRIATED TO THE PRESIDENT*

4 *UNITED STATES AGENCY FOR INTERNATIONAL*

5 *DEVELOPMENT*

6 *CHILD SURVIVAL AND HEALTH PROGRAMS FUND*

7 *For an additional amount for “Child Survival and*
8 *Health Programs Fund”, \$10,300,000, to remain available*
9 *until September 30, 2007: Provided, That the amount pro-*
10 *vided under this heading is designated as an emergency re-*
11 *quirement pursuant to section 402 of H. Con. Res. 95*
12 *(109th Congress), the concurrent resolution on the budget*
13 *for fiscal year 2006.*

14 *DEVELOPMENT ASSISTANCE*

15 *For an additional amount for “Development Assist-*
16 *ance”, \$22,500,000, to remain available until September*
17 *30, 2007: Provided, That of the funds appropriated under*
18 *this heading, \$12,000,000 shall be made available for assist-*
19 *ance for Guatemala for relief and reconstruction activities*
20 *related to Hurricane Stan: Provided further, That the*
21 *amount provided under this heading is designated as an*
22 *emergency requirement pursuant to section 402 of H. Con.*
23 *Res. 95 (109th Congress), the concurrent resolution on the*
24 *budget for fiscal year 2006.*

1 *INTERNATIONAL DISASTER AND FAMINE ASSISTANCE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For an additional amount for “International Disaster*
4 *and Famine Assistance”, \$171,290,000, to remain available*
5 *until expended, of which up to \$80,000 may be transferred*
6 *to and merged with “Operating Expenses of the United*
7 *States Agency for International Development”, for associ-*
8 *ated administrative costs: Provided, That the amounts pro-*
9 *vided under this heading are designated as an emergency*
10 *requirement pursuant to section 402 of H. Con. Res. 95*
11 *(109th Congress), the concurrent resolution on the budget*
12 *for fiscal year 2006.*

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

15 *For an additional amount for “Operating Expenses of*
16 *the United States Agency for International Development”,*
17 *\$141,600,000, to remain available until September 30,*
18 *2007: Provided, That the amount provided under this head-*
19 *ing is designated as an emergency requirement pursuant*
20 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
21 *current resolution on the budget for fiscal year 2006.*

22 *OTHER BILATERAL ECONOMIC ASSISTANCE*23 *ECONOMIC SUPPORT FUND*24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For an additional amount for “Economic Support*
26 *Fund”, \$1,757,500,000, to remain available until Sep-*

1 tember 30, 2007, of which up to \$11,000,000 may be used
2 for the costs, as defined in section 502 of the Congressional
3 Budget Act of 1974, of modifying direct loans and guaran-
4 tees for Afghanistan or otherwise of reducing any amounts
5 owed to the United States or any agency of the United
6 States by Afghanistan: Provided, That such amounts for the
7 costs of modifying direct loans and guarantees shall not be
8 considered “assistance” for the purposes of any provision
9 of law limiting assistance to a country: Provided further,
10 That the last proviso under the heading “Economic Support
11 Fund” in title II of Public Law 109–102 and comparable
12 provisions in prior Acts making appropriations for foreign
13 operations, export financing, and related programs shall no
14 longer be applicable to funds appropriated under such head-
15 ing in this Act or any prior Act: Provided further, That
16 of the funds available under this heading for assistance for
17 Afghanistan, \$5,000,000 shall be made available for agri-
18 culture and rural development programs in Afghanistan to
19 be administered through a national consortium of agri-
20 culture colleges and land-grant universities: Provided fur-
21 ther, That of the funds available under this heading for as-
22 sistance for Iraq, not less than \$75,000,000 shall be made
23 available to the United States Agency for International De-
24 velopment for continued support for its Community Action
25 Program in Iraq, of which not less than \$10,000,000 shall

1 *be transferred to and merged with funds appropriated*
2 *under the heading “Iraq Relief and Reconstruction Fund”*
3 *in chapter 2 of title II of Public Law 108–106 and shall*
4 *be made available for the Marla Ruzicka Iraqi War Victims*
5 *Fund: Provided further, That funds made available under*
6 *the previous proviso shall be in addition to funds appro-*
7 *riated by this Act that are available to the United States*
8 *Agency for International Development for Iraq: Provided*
9 *further, That funds appropriated under this heading that*
10 *are made available for police and judicial reform in Haiti*
11 *shall be subject to the regular notification procedures of the*
12 *Committees on Appropriations: Provided further, That the*
13 *amounts provided under this heading are designated as an*
14 *emergency requirement pursuant to section 402 of H. Con.*
15 *Res. 95 (109th Congress), the concurrent resolution on the*
16 *budget for fiscal year 2006.*

17 **DEPARTMENT OF STATE**

18 **DEMOCRACY FUND**

19 *For an additional amount for “Democracy Fund”,*
20 *\$39,750,000, of which \$34,750,000 shall be made available*
21 *for programs and activities promoting democracy in Iran*
22 *and of which \$5,000,000 shall be made available for election*
23 *assistance in the Democratic Republic of the Congo, to re-*
24 *main available until September 30, 2007: Provided, That*
25 *funds appropriated under this heading shall be made avail-*

1 *able notwithstanding any other provision of law, and those*
2 *funds made available to promote democracy in Iran shall*
3 *be administered by the Middle East Partnership Initiative:*
4 *Provided further, That funds made available under this*
5 *heading in this Act shall be subject to the regular notifica-*
6 *tion procedures of the Committees on Appropriations: Pro-*
7 *vided further, That the amount provided under this heading*
8 *is designated as an emergency requirement pursuant to sec-*
9 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
10 *rent resolution on the budget for fiscal year 2006.*

11 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

12 *ENFORCEMENT*

13 *For an additional amount for “International Nar-*
14 *cotics Control and Law Enforcement”, \$107,700,000, to re-*
15 *main available until September 30, 2008: Provided, That*
16 *of the funds appropriated under this heading, not less than*
17 *\$3,300,000 shall be made available for assistance for the*
18 *Peace and Justice Unit of the Colombian Fiscalía notwith-*
19 *standing section 599E of Public Law 109–102: Provided*
20 *further, That the amount provided under this heading is*
21 *designated as an emergency requirement pursuant to sec-*
22 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
23 *rent resolution on the budget for fiscal year 2006.*

1 *MIGRATION AND REFUGEE ASSISTANCE*

2 *For an additional amount for “Migration and Refugee*
3 *Assistance”, \$110,200,000, to remain available until Sep-*
4 *tember 30, 2007: Provided, That the amount provided under*
5 *this heading is designated as an emergency requirement*
6 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
7 *gress), the concurrent resolution on the budget for fiscal year*
8 *2006.*

9 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*
10 *ASSISTANCE FUND*

11 *For an additional amount for “United States Emer-*
12 *gency Refugee and Migration Assistance Fund”,*
13 *\$20,000,000, to remain available until September 30, 2007:*
14 *Provided, That the amount provided under this heading is*
15 *designated as an emergency requirement pursuant to sec-*
16 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
17 *rent resolution on the budget for fiscal year 2006.*

18 *DEPARTMENT OF THE TREASURY*19 *INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE*

20 *For an additional amount for “International Affairs*
21 *Technical Assistance”, \$13,000,000, to remain available*
22 *until September 30, 2007: Provided, That the amount pro-*
23 *vided under this heading is designated as an emergency re-*
24 *quirement pursuant to section 402 of H. Con. Res. 95*

1 *(109th Congress), the concurrent resolution on the budget*
 2 *for fiscal year 2006.*

3 *MILITARY ASSISTANCE*

4 *FUNDS APPROPRIATED TO THE PRESIDENT*

5 *PEACEKEEPING OPERATIONS*

6 *For an additional amount for “Peacekeeping Oper-*
 7 *ations”, \$181,200,000, to remain available until September*
 8 *30, 2007: Provided, That the amount provided under this*
 9 *heading is designated as an emergency requirement pursu-*
 10 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
 11 *concurrent resolution on the budget for fiscal year 2006.*

12 *GENERAL PROVISIONS—THIS CHAPTER*

13 *IRAQ RELIEF AND RECONSTRUCTION FUND*

14 *SEC. 1401. Chapter 2 of title II of Public Law 108–*
 15 *106 (117 Stat. 1225–1226), as amended by Public Law*
 16 *108–309 (118 Stat. 1142–1143), is further amended under*
 17 *the heading “Iraq Relief and Reconstruction Fund” by—*

18 *(1)(A) striking “\$5,090,000,000” and inserting*

19 *“\$5,036,000,000” for security and law enforcement;*

20 *(B) striking “\$1,960,000,000” and inserting*

21 *“\$2,349,800,000” for justice, public safety infrastruc-*
 22 *ture, and civil society;*

23 *(C) striking “\$4,455,000,000” and inserting*

24 *“\$4,220,000,000” for the electric sector;*

1 (D) striking “\$1,723,000,000” and inserting
2 “\$1,735,600,000” for oil infrastructure;

3 (E) striking “\$2,361,000,000” and inserting
4 “\$2,131,100,000” for water resources and sanitation;

5 (F) striking “\$500,000,000” and inserting
6 “\$465,500,000” for transportation and telecommuni-
7 cations;

8 (G) striking “\$370,000,000” and inserting
9 “\$333,700,000” for roads, bridges, and construction;

10 (H) striking “\$793,000,000” and inserting
11 “\$739,000,000” for health care;

12 (I) striking “\$845,000,000” and inserting
13 “\$805,300,000” for private sector development; and

14 (J) striking “\$342,000,000” and inserting
15 “\$410,000,000” for education, refugees, human rights,
16 and governance; and

17 (2) inserting before the period the following: “:
18 *Provided further, That amounts provided under this*
19 *heading shall remain available for an additional 4*
20 *years from the date on which the availability of such*
21 *funds would otherwise have expired, if such funds are*
22 *initially obligated before the expiration of the period*
23 *of availability provided herein, except that after such*
24 *initial obligation any subsequent obligation may be*

1 *made without regard to the sectoral limitations set*
2 *forth under this heading, as amended”.*

3 *ADMINISTRATIVE COSTS*

4 *SEC. 1402. To the extent not otherwise authorized, su-*
5 *per vision and administrative costs of the Department of De-*
6 *fense associated with a construction project funded with the*
7 *Iraq Relief and Reconstruction Fund may be obligated at*
8 *the time a construction contract is awarded or, for pre-ex-*
9 *isting contracts, by September 30, 2006: Provided, That for*
10 *the purposes of this section, supervision and administration*
11 *costs include all in-house Government costs.*

12 *AUTHORIZATION OF FUNDS*

13 *SEC. 1403. Funds appropriated or made available by*
14 *transfer in this chapter may be obligated and expended not-*
15 *withstanding section 15 of the State Department Basic Au-*
16 *thorities Act of 1956, section 10 of Public Law 91–672 (22*
17 *U.S.C. 2412), section 504(a)(1) of the National Security Act*
18 *of 1947 (50 U.S.C. 414(a)(1)) and section 313 of the For-*
19 *oreign Relations Authorization Act, Fiscal Years 1994 and*
20 *1995 (Public Law 103–236).*

21 *PALESTINIAN AUTHORITY*

22 *SEC. 1404. Section 550 of Public Law 109–102 (119*
23 *Stat. 2217) is amended to read as follows:*

1 “PROHIBITION ON ASSISTANCE FOR THE PALESTINIAN
2 AUTHORITY

3 “SEC. 550. (a) PROHIBITION ON ASSISTANCE.—None
4 of the funds appropriated by this Act or any prior Act mak-
5 ing appropriations for foreign operations, export financing,
6 and related programs, may be obligated or expended for as-
7 sistance for the Palestinian Authority unless the Secretary
8 of State determines, and so reports to the Committees on
9 Appropriations, that the Palestinian Authority has—

10 “(1) publicly acknowledged Israel’s right to exist
11 as a Jewish state;

12 “(2) renounced violence; and

13 “(3) accepted and is adhering to all previous
14 diplomatic Agreements and understandings with the
15 United States Government, the Government of Israel,
16 and the international community.

17 “(b) WAIVER AUTHORITY.—(1) The President may
18 waive subsection (a) with respect to the administrative and
19 personal security costs of the Office of the President of the
20 Palestinian Authority, for activities of the President of the
21 Palestinian Authority to promote democracy and the rule
22 of law, and with respect to independent agencies, if the
23 President certifies and reports to the Committees on Appro-
24 priations that—

1 *AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND*
2 *GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN*
3 *IRAQ AND AFGHANISTAN*

4 *SEC. 1406. (a) FINDINGS.—Congress makes the fol-*
5 *lowing findings:*

6 *(1) As part of the United States effort to bring*
7 *democracy and freedom to Iraq and Afghanistan, em-*
8 *ployees of a broad range of Federal agencies are need-*
9 *ed to serve in those countries, furnishing expertise to*
10 *their counterpart agencies in the Government of Iraq*
11 *and the Government of Afghanistan.*

12 *(2) While the heads of a number of Federal agen-*
13 *cies already possess authority to provide to their per-*
14 *sonnel on official duty abroad allowances, benefits,*
15 *and death gratuities comparable to those provided by*
16 *the Secretary of State to similarly-situated Foreign*
17 *Service personnel on official duty abroad, other agen-*
18 *cy heads do not possess such authority.*

19 *(3) In order to assist the United States Govern-*
20 *ment in recruiting personnel to serve in Iraq and Af-*
21 *ghanistan, and to avoid inequities in allowances, ben-*
22 *efits, and death gratuities among similarly-situated*
23 *United States Government civilian personnel on offi-*
24 *cial duty in these countries, it is essential that the*
25 *heads of all agencies that have personnel on official*

1 *duty in Iraq and Afghanistan have the same basic*
2 *authority with respect to allowances, benefits, and*
3 *death gratuities for such personnel.*

4 (b) *IN GENERAL.—During any fiscal year, the head*
5 *of an agency may, in the agency head’s discretion, provide*
6 *to an individual employed by, or assigned or detailed to,*
7 *such agency allowances, benefits, and gratuities comparable*
8 *to those provided by the Secretary of State to members of*
9 *the Foreign Service under section 413 and chapter 9 of title*
10 *I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081*
11 *et seq.), if such individual is on official duty in Iraq or*
12 *Afghanistan.*

13 (c) *CONSTRUCTION.—Nothing in this section shall be*
14 *construed to impair or otherwise affect the authority of the*
15 *head of an agency under any other provision of law.*

16 (d) *APPLICABILITY OF CERTAIN AUTHORITIES.—Sec-*
17 *tion 912(a) of the Internal Revenue Code of 1986 shall*
18 *apply with respect to amounts received as allowances or*
19 *otherwise under this section in the same manner as section*
20 *912 of the Internal Revenue Code of 1986 applies with re-*
21 *spect to amounts received by members of the Foreign Service*
22 *as allowances or otherwise under chapter 9 of title I of the*
23 *Foreign Service Act of 1980.*

24 **DEMOCRACY IN IRAQ**

25 *SEC. 1407. (a) Of the funds provided in this chapter*
26 *for the Economic Support Fund, not less than \$104,500,000*

1 *should be made available through the Bureau of Democracy,*
2 *Human Rights, and Labor of the Department of State, in*
3 *coordination with the United States Agency for Inter-*
4 *national Development where appropriate, to United States*
5 *nongovernmental organizations for the purpose of sup-*
6 *porting democracy assistance programs in Iraq that pro-*
7 *mote the long term development of civil society, political*
8 *parties, election processes, the rule of law, reconciliation ac-*
9 *tivities, and parliament in that country: Provided, That*
10 *the Secretary of State shall consult with the Committees on*
11 *Appropriations prior to the initial obligation of funds made*
12 *available under this section on the uses of such funds: Pro-*
13 *vided further, That of the funds made available under this*
14 *heading, up to \$8,500,000 should be made available for the*
15 *United States Institute of Peace for programs in Iraq and*
16 *Afghanistan.*

17 (b) *The President shall include in each report sub-*
18 *mitted to Congress under the United States Policy in Iraq*
19 *Act (section 1227 of Public Law 109–163; 50 U.S.C. 1541*
20 *note; 119 Stat. 3465) a report on the extent to which funds*
21 *appropriated in this Act support a short-term and long-*
22 *term strategy to promote and develop democracy in Iraq,*
23 *including:*

24 (1) *A description of the objectives of the Sec-*
25 *retary of State to promote and develop democracy at*

1 *the national, regional, and provincial levels in Iraq,*
2 *including development of civil society, political par-*
3 *ties, and government institutions.*

4 (2) *The schedule to achieve such objectives.*

5 (3) *The progress made toward achieving such ob-*
6 *jectives.*

7 (4) *The principal official within the United*
8 *States Government responsible for coordinating and*
9 *implementing democracy funding for Iraq.*

10 (RESCISSION)

11 *SEC. 1408. Of the funds appropriated under the head-*
12 *ing “Economic Support Fund” that are available for assist-*
13 *ance for Egypt in Public Law 109–102 and under such*
14 *heading in prior Acts making appropriations for foreign*
15 *operations, export financing, and related programs,*
16 *\$47,000,000 are rescinded: Provided, That such amount*
17 *shall be derived only from funds available for cash transfer*
18 *assistance.*

19 CHAPTER 5

20 DEPARTMENT OF HOMELAND SECURITY

21 UNITED STATES COAST GUARD

22 OPERATING EXPENSES

23 *For an additional amount for “Operating Expenses”,*
24 *\$26,692,000: Provided, That the amount provided under*
25 *this heading is designated as an emergency requirement*
26 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*

1 *gress), the concurrent resolution on the budget for fiscal year*
2 *2006.*

3 *CHAPTER 6*

4 *DEPARTMENT OF DEFENSE*

5 *MILITARY CONSTRUCTION*

6 *MILITARY CONSTRUCTION, ARMY*

7 *For an additional amount for “Military Construction,*
8 *Army”, \$214,344,000, to remain available until September*
9 *30, 2010: Provided, That such funds may be obligated and*
10 *expended to carry out planning and design and military*
11 *construction projects not otherwise authorized by law: Pro-*
12 *vided further, That the amount provided under this heading*
13 *is designated as an emergency requirement pursuant to sec-*
14 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
15 *rent resolution on the budget for fiscal year 2006.*

16 *MILITARY CONSTRUCTION, AIR FORCE*

17 *For an additional amount for “Military Construction,*
18 *Air Force”, \$28,200,000, to remain available until Sep-*
19 *tember 30, 2010: Provided, That such funds may be obli-*
20 *gated or expended to carry out planning and design and*
21 *military construction projects not otherwise authorized by*
22 *law: Provided further, That the amount provided under this*
23 *heading is designated as an emergency requirement pursu-*
24 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
25 *concurrent resolution on the budget for fiscal year 2006.*

1 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

2 *For an additional amount for “Military Construction,*
3 *Defense-Wide”, \$35,200,000, to remain available until Sep-*
4 *tember 30, 2010: Provided, That such funds may be obli-*
5 *gated or expended to carry out planning and design and*
6 *military construction projects not otherwise authorized by*
7 *law: Provided further, That the amount provided under this*
8 *heading is designated as an emergency requirement pursu-*
9 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
10 *concurrent resolution on the budget for fiscal year 2006.*

11 *DEPARTMENT OF VETERANS AFFAIRS*12 *VETERANS HEALTH ADMINISTRATION*13 *MEDICAL SERVICES*

14 *For an additional amount for “Medical Services” for*
15 *necessary expenses for furnishing, as authorized by law,*
16 *outpatient and inpatient care and treatment to bene-*
17 *ficiaries of the Department of Veterans Affairs and veterans*
18 *as described in paragraphs (1) through (8) of section*
19 *1705(a) of title 38, United States Code, including care and*
20 *treatment in facilities not under the jurisdiction of the de-*
21 *partment and including medical supplies and equipment*
22 *and salaries and expenses of healthcare employees hired*
23 *under title 38, United States Code, and to aid State homes*
24 *as authorized under section 1741 of title 38, United States*
25 *Code, \$430,000,000 plus reimbursements: Provided, That of*
26 *the amount under this heading, \$168,000,000 shall be avail-*

1 *able to address the needs of servicemembers in need of men-*
2 *tal health care, including post-traumatic stress disorder:*
3 *Provided further, That of the amount under this heading,*
4 *\$80,000,000 shall be available for the provision of readjust-*
5 *ment counseling under section 1712A of title 38, United*
6 *States Code (commonly referred to as “Vet Centers”): Pro-*
7 *vided further, That of the amount under this heading*
8 *\$182,000,000 shall be available to meet current and pend-*
9 *ing care and treatment requirements: Provided further,*
10 *That the amount under this heading shall remain available*
11 *until expended: Provided further, That the amount provided*
12 *under this heading is designated as an emergency require-*
13 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
14 *Congress), the concurrent resolution on the budget for fiscal*
15 *year 2006: Provided further, That these amounts shall be*
16 *available only to the extent that an official budget request*
17 *for the entire amount is submitted to the Congress by the*
18 *President that includes designation of the entire amount of*
19 *the request as an emergency requirement.*

20 *CHAPTER 7*

21 *DEPARTMENT OF THE TREASURY*

22 *DEPARTMENTAL OFFICES*

23 *SALARIES AND EXPENSES*

24 *For an additional amount for “Salaries and Ex-*
25 *penses”, \$1,800,000, to remain available until September*

1 30, 2007: *Provided, That the amount provided under this*
2 *heading is designated as an emergency requirement pursu-*
3 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
4 *concurrent resolution on the budget for fiscal year 2006.*

5 *TITLE II*

6 *FURTHER HURRICANE DISASTER RELIEF AND*

7 *RECOVERY*

8 *CHAPTER 1*

9 *DEPARTMENT OF AGRICULTURE*

10 *EXECUTIVE OPERATIONS*

11 *WORKING CAPITAL FUND*

12 *For an additional amount for “Working Capital*
13 *Fund”, \$25,000,000, to remain available until expended,*
14 *for necessary expenses related to the consequences of Hurri-*
15 *cane Katrina and other hurricanes of the 2005 season: Pro-*
16 *vided, That the amount provided under this heading is des-*
17 *ignated as an emergency requirement pursuant to section*
18 *402 of H. Con. Res. 95 (109th Congress), the concurrent*
19 *resolution on the budget for fiscal year 2006.*

20 *OFFICE OF THE INSPECTOR GENERAL*

21 *For an additional amount for “Office of the Inspector*
22 *General”, \$445,000, to remain available until September*
23 *30, 2007, for necessary expenses related to the consequences*
24 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
25 *son: Provided, That the amount provided under this head-*

1 *ing is designated as an emergency requirement pursuant*
2 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
3 *current resolution on the budget for fiscal year 2006.*

4 *AGRICULTURAL RESEARCH SERVICE*

5 *SALARIES AND EXPENSES*

6 *For an additional amount for “Salaries and Ex-*
7 *penses”, \$15,600,000, to remain available until expended,*
8 *for necessary expenses related to the consequences of Hurri-*
9 *cane Katrina and other hurricanes of the 2005 season: Pro-*
10 *vided, That the amount provided under this heading is des-*
11 *ignated as an emergency requirement pursuant to section*
12 *402 of H. Con. Res. 95 (109th Congress), the concurrent*
13 *resolution on the budget for fiscal year 2006.*

14 *BUILDINGS AND FACILITIES*

15 *For an additional amount for “Buildings and Facili-*
16 *ties”, \$20,000,000, to remain available until expended, for*
17 *necessary expenses related to the consequences of Hurricane*
18 *Katrina and other hurricanes of the 2005 season: Provided,*
19 *That the amount provided under this heading is designated*
20 *as an emergency requirement pursuant to section 402 of*
21 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
22 *on the budget for fiscal year 2006.*

23 *FARM SERVICE AGENCY*

24 *SALARIES AND EXPENSES*

25 *For an additional amount for “Salaries and Ex-*
26 *penses”, \$5,000,000, to remain available until expended, for*

1 *necessary expenses related to the consequences of Hurricane*
2 *Katrina and other hurricanes of the 2005 season: Provided,*
3 *That the amount provided under this heading is designated*
4 *as an emergency requirement pursuant to section 402 of*
5 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
6 *on the budget for fiscal year 2006.*

7 *EMERGENCY CONSERVATION PROGRAM*

8 *For an additional amount for the “Emergency Con-*
9 *servaion Program”, \$32,547,000, to remain available until*
10 *expended, to provide assistance under the emergency con-*
11 *servaion program established under title IV of the Agricul-*
12 *tural Credit Act of 1978 (16 U.S.C. 2201 et seq.), for nec-*
13 *essary expenses related to the consequences of Hurricane*
14 *Katrina and other hurricanes of the 2005 season: Provided,*
15 *That the amount provided under this heading is designated*
16 *as an emergency requirement pursuant to section 402 of*
17 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
18 *on the budget for fiscal year 2006.*

19 *NATURAL RESOURCES CONSERVATION SERVICE*

20 *EMERGENCY WATERSHED PROTECTION PROGRAM*

21 *For an additional amount for “Emergency Watershed*
22 *Protection Program”, \$165,000,000, to remain available*
23 *until expended, for emergency measures in disaster areas*
24 *affected by Hurricane Katrina and other hurricanes of the*
25 *2005 season: Provided, That notwithstanding any other*
26 *provision of law, the Secretary, acting through the Natural*

1 *Resources Conservation Service, using funds made available*
2 *under this heading may provide financial and technical as-*
3 *sistance to remove and dispose of debris and animal car-*
4 *casses that could adversely affect health and safety on non-*
5 *Federal land in a hurricane-affected county: Provided fur-*
6 *ther, That the amount provided under this heading is des-*
7 *ignated as an emergency requirement pursuant to section*
8 *402 of H. Con. Res. 95 (109th Congress), the concurrent*
9 *resolution on the budget for fiscal year 2006.*

10 *RURAL DEVELOPMENT*

11 *SALARIES AND EXPENSES*

12 *For an additional amount for “Salaries and Ex-*
13 *penses”, \$1,000,000, to remain available until expended, for*
14 *necessary expenses related to the consequences of Hurricane*
15 *Katrina and other hurricanes of the 2005 season for State*
16 *Rural Development offices located in Mississippi and Lou-*
17 *isiana: Provided, That the amount provided under this*
18 *heading is designated as an emergency requirement pursu-*
19 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
20 *concurrent resolution on the budget for fiscal year 2006.*

21 *RURAL COMMUNITY ADVANCEMENT PROGRAM*

22 *For an additional amount for community facilities*
23 *grants authorized under section 381E(d)(1) of the Consoli-*
24 *dated Farm and Rural Development Act, \$150,000,000, to*
25 *remain available until expended, for necessary expenses re-*
26 *lated to the consequences of Hurricane Katrina and other*

1 *hurricanes of the 2005 season: Provided, That the amount*
2 *provided under this heading is designated as an emergency*
3 *requirement pursuant to section 402 of H. Con. Res. 95*
4 *(109th Congress), the concurrent resolution on the budget*
5 *for fiscal year 2006.*

6 *GENERAL PROVISIONS—THIS CHAPTER*

7 *NATURAL RESOURCES CONSERVATION SERVICE—COST*

8 *SHARE REQUIREMENT*

9 *SEC. 2101. Notwithstanding any other provision of*
10 *law, in carrying out the provisions of section 102 of chapter*
11 *1 of title I of division B of Public Law 109–148 (119 Stat.*
12 *2748–2749), the Secretary may provide financial and tech-*
13 *nical assistance up to 100 percent Federal share: Provided,*
14 *That the amount provided under this section is designated*
15 *as an emergency requirement pursuant to section 402 of*
16 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
17 *on the budget for fiscal year 2006.*

18 *NATURAL RESOURCES CONSERVATION SERVICE—VEHICLE*

19 *DISPOSITION*

20 *SEC. 2102. Notwithstanding any other provision of*
21 *law, the Chief of the Natural Resources Conservation Serv-*
22 *ice (NRCS) may enter into agreements with organizations*
23 *or State or local units of government affected by Hurricane*
24 *Katrina and other hurricanes of the 2005 season, that pro-*
25 *vide for NRCS to donate used vehicles to the organization*
26 *or to the State or local unit of government.*

1 *RURAL DEVELOPMENT—EMERGENCY AUTHORITIES*

2 *SEC. 2103. The Secretary of Agriculture may continue*
3 *to use any of the authorities provided in section 105 of*
4 *chapter 1 of title I of division B of Public Law 109–148*
5 *(119 Stat. 2749–2750), for a period not to exceed 24 addi-*
6 *tional months: Provided, That the amount provided under*
7 *this section is designated as an emergency requirement pur-*
8 *suant to section 402 of H. Con. Res. 95 (109th Congress),*
9 *the concurrent resolution on the budget for fiscal year 2006.*

10 *FARM SERVICE AGENCY*11 *(TRANSFER OF FUNDS)*

12 *SEC. 2104. Of the funds appropriated in section 101(a)*
13 *of chapter 1 of title I of division B of Public Law 109–*
14 *148 (119 Stat. 2747), to provide assistance under the emer-*
15 *gency conservation program established under title IV of the*
16 *Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.),*
17 *\$38,000,000 are transferred to the National Oceanic and*
18 *Atmospheric Administration in the Department of Com-*
19 *merce for activities involving oysters: Provided, That the*
20 *amount transferred under this section is designated as an*
21 *emergency requirement pursuant to section 402 of H. Con.*
22 *Res. 95 (109th Congress), the concurrent resolution on the*
23 *budget for fiscal year 2006.*

1 *FARM SERVICE AGENCY—EMERGENCY CONSERVATION*
2 *PROGRAM*

3 *SEC. 2105. Section 101(b) of chapter 1 of title I of*
4 *division B of Public Law 109–148 (119 Stat. 2747) is*
5 *amended—*

6 *(1) in the heading, by striking “, Oyster,”;*

7 *(2) in the matter preceding paragraph (1)—*

8 *(A) by striking “, oyster,”; and*

9 *(B) by striking “public and private oyster*
10 *reefs or”;*

11 *(3) in paragraph (3), by adding “and” at the*
12 *end;*

13 *(4) by striking paragraph (4); and*

14 *(5) by redesignating paragraph (5) as para-*
15 *graph (4).*

16 *RURAL DEVELOPMENT—RURAL HOUSING*

17 *SEC. 2106. There is hereby appropriated, \$35,408,000,*
18 *to remain available until expended, for housing needs in*
19 *the most impacted and distressed areas related to the con-*
20 *sequences of Hurricane Katrina and other hurricanes of the*
21 *2005 season: Provided, That the Secretary of Agriculture*
22 *shall allocate funds provided under this section between the*
23 *“Rural Housing Insurance Fund Program Account” and*
24 *“Rural Housing Assistance Grants” program: Provided*
25 *further, That the Secretary make this allocation and*
26 *prioritizes the funding of projects with such funds within*

1 a State based on the priorities identified by the Governor
2 of each State: Provided further, That the amount provided
3 under this section is designated as an emergency require-
4 ment pursuant to section 402 of H. Con. Res. 95 (109th
5 Congress), the concurrent resolution on the budget for fiscal
6 year 2006.

7 *WILDLIFE HABITAT INCENTIVE PROGRAM*

8 *SEC. 2107. Funds made available for the wildlife habi-*
9 *tat incentive program established under section 1240N of*
10 *the Food Security Act of 1985 (16 U.S.C. 3839bb-1) under*
11 *section 211(b) of the Agricultural Risk Protection Act of*
12 *2000 (Public Law 106-224; 7 U.S.C. 1421 note) and section*
13 *820 of the Agriculture, Rural Development, Food and Drug*
14 *Administration, and Related Agencies Appropriations Act,*
15 *2001 (Public Law 106-387; 114 Stat. 1549A-59) shall re-*
16 *main available until expended to carry out obligations*
17 *made for fiscal year 2001 and are not available for new*
18 *obligations.*

19 *SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND*

20 *HURRICANE RITA*

21 *SEC. 2108. (a) Section 3(p)(1) of the Small Business*
22 *Act (15 U.S.C. 632(p)(1)) is amended—*

23 *(1) in subparagraph (D), by striking “or”;*

24 *(2) in subparagraph (E), by striking the period*
25 *at the end and inserting “; or”; and*

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

1 “(F) an area in which the President has de-
2 clared a major disaster (as that term is defined
3 in section 102 of the Robert T. Stafford Disaster
4 Relief and Emergency Assistance Act (42 U.S.C.
5 5122)) as a result of Hurricane Katrina of Au-
6 gust 2005 or Hurricane Rita of September
7 2005.”.

8 (b) Section 711(d) of the Small Business Competitive
9 Demonstration Program Act of 1988 (15 U.S.C. 644 note)
10 is amended—

11 (1) by striking “The Program” and inserting the
12 following:

13 “(1) *IN GENERAL.*—Except as provided in para-
14 graph (2), the Program”; and

15 (2) by adding at the end the following:

16 “(2) *EXCEPTION.*—The Program shall not apply
17 to any contract related to relief or reconstruction from
18 Hurricane Katrina of 2005 or Hurricane Rita of
19 2005.”.

20 (c) The amendments made by subsections (a) and (b)
21 shall be effective for the period beginning on the date of en-
22 actment of the Act and ending on October 1, 2008.

23 ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

24 SEC. 2109. None of the funds appropriated by this Act
25 that are made available for relief and recovery efforts re-
26 lated to Hurricane Katrina and the other hurricanes of the

1 2005 season may be used by an executive agency to enter
2 into any Federal contract exceeding \$500,000 through the
3 use of procedures other than competitive procedures as re-
4 quired by the Federal Acquisition Regulation and, as appli-
5 cable, section 303(a) of the Federal Property and Adminis-
6 trative Services Act of 1949 (41 U.S.C. 253(a)) or section
7 2304(a) of title 10, United States Code.

8 **CHAPTER 2**

9 **DEPARTMENT OF JUSTICE**

10 **OFFICE OF THE INSPECTOR GENERAL**

11 **SALARIES AND EXPENSES**

12 *For an additional amount for “Salaries and Ex-*
13 *penses” for necessary expenses related to the consequences*
14 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
15 *son, \$500,000, to remain available until September 30,*
16 *2007: Provided, That the amount provided under this head-*
17 *ing is designated as an emergency requirement pursuant*
18 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
19 *current resolution on the budget for fiscal year 2006.*

20 **LEGAL ACTIVITIES**

21 **SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES**

22 *For an additional amount for “Salaries and Ex-*
23 *penses” for necessary expenses related to the consequences*
24 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
25 *son, \$3,200,000, to remain available until September 30,*

1 *2007: Provided, That the amount provided under this head-*
2 *ing is designated as an emergency requirement pursuant*
3 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
4 *current resolution on the budget for fiscal year 2006.*

5 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

6 *For an additional amount for “Salaries and Ex-*
7 *penses” for necessary expenses related to the consequences*
8 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
9 *son, \$6,500,000, to remain available until September 30,*
10 *2007: Provided, That the amount provided under this head-*
11 *ing is designated as an emergency requirement pursuant*
12 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
13 *current resolution on the budget for fiscal year 2006.*

14 *OFFICE OF JUSTICE PROGRAMS*

15 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

16 *For an additional amount for “State and Local Law*
17 *Enforcement Assistance” for necessary expenses, related to*
18 *the direct or indirect consequences of Hurricane Katrina*
19 *and other hurricanes of the 2005 season, \$10,000,000, to*
20 *remain available until expended: Provided, That the*
21 *amount provided under this heading is designated as an*
22 *emergency requirement pursuant to section 402 of H. Con.*
23 *Res. 95 (109th Congress), the concurrent resolution on the*
24 *budget for fiscal year 2006: Provided further, That the At-*
25 *torney General shall consult with the House and Senate*

1 *Committees on Appropriations on the allocation of funds*
2 *prior to obligation.*

3 **DEPARTMENT OF COMMERCE**

4 **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

5 **OPERATIONS, RESEARCH, AND FACILITIES**

6 *For an additional amount for “Operations, Research,*
7 *and Facilities” for necessary expenses related to the con-*
8 *sequences of Hurricane Katrina and other hurricanes of the*
9 *2005 season, \$1,135,000,000, to remain available until Sep-*
10 *tember 30, 2007, pursuant to section 312(a) of the Magnu-*
11 *son-Stevens Fishery Conservation and Management Act,*
12 *section 308(d) of the Interjurisdictional Fisheries Act, and*
13 *other authorities: Provided, That the amount provided*
14 *under this heading is designated as an emergency require-*
15 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
16 *Congress), the concurrent resolution on the budget for fiscal*
17 *year 2006: Provided further, That of the total amount ap-*
18 *propriated, \$100,000,000 shall be for the National Marine*
19 *Fisheries Service to provide technical assistance to States*
20 *and industry for oyster bed and shrimp ground rehabilita-*
21 *tion, debris removal and cleaning, and to prepare for spat*
22 *fall by planting sufficient amounts of cultch: Provided fur-*
23 *ther, That of the total amount appropriated, \$20,000,000*
24 *shall be provided to utilize the National Oceanic and At-*
25 *mospheric Administration’s expertise to assist in rebuilding*

1 *coastal communities, especially focusing on fisheries infra-*
2 *structure, zoning to mitigate against future catastrophes*
3 *and natural disasters, and building standards for coastal*
4 *structures: Provided further, That of the total amount ap-*
5 *propriated, \$10,000,000 shall be provided to coordinate and*
6 *help implement planning efforts that will lead to capacity*
7 *and effort reductions in Federal and State waters: Provided*
8 *further, That of the total amount appropriated, \$15,000,000*
9 *shall be provided to develop and implement a seafood pro-*
10 *motion strategy for Gulf of Mexico fisheries: Provided fur-*
11 *ther, That of the total amount appropriated, \$15,000,000*
12 *shall be provided to institute job retraining programs for*
13 *displaced fisheries workers into alternative occupations:*
14 *Provided further, That of the total amount appropriated,*
15 *\$200,000,000 shall be provided to replace fishing gear dam-*
16 *aged or lost in the hurricanes, and deploy advanced versions*
17 *of turtle exclusion devices and by-catch reduction devices:*
18 *Provided further, That of the total amount appropriated,*
19 *\$50,000,000 shall be provided to develop temporary marine*
20 *services centers to cluster docking facilities, fuel, ice and*
21 *provisions, offloading, processing and distribution and ma-*
22 *rine repair facilities for seafood industries: Provided fur-*
23 *ther, That of the total amount appropriated, \$300,000,000*
24 *shall be provided for re-development of marinas, piers,*
25 *docks, wharves and warehouses to support commercial and*

1 recreational fishing, and especially investments in public
2 facilities supporting working waterfronts: Provided further,
3 That of the total amount appropriated, \$50,000,000 shall
4 be provided for planning and support for fishing-related
5 marine industrial parks to cluster processing and marine
6 support businesses in ways that increase access to key facili-
7 ties and services, and enhance intermodal transportation
8 of fishery products: Provided further, That of the total
9 amount appropriated, \$90,000,000 shall be provided for re-
10 placement of private fisheries infrastructure other than ves-
11 sels: Provided further, That of the total amount appro-
12 priated, \$10,000,000 shall be provided to implement rules
13 where appropriate, and purchase and provide one year of
14 associated fees to equip the offshore shrimp and reef fish
15 fishery with electronic vessel monitoring systems: Provided
16 further, That of the total amount appropriated, \$66,000,000
17 shall be provided for the fishery finance program loans
18 under title XI of the Merchant Marine Act, 1936, (46 U.S.C.
19 App. 1271 et seq.) to satisfy loan obligations for loans used
20 to make expenditures, guarantee or finance to repair, re-
21 place or restore fisheries infrastructure, vessels, facilities, or
22 fish processing facilities home-ported or located within the
23 declared fisheries disaster area: Provided further, That of
24 the total amount appropriated, \$14,000,000 shall be pro-
25 vided to develop and fund a cooperative research program

1 *to test various gears and to monitor the recovery of Gulf*
2 *of Mexico fishery resources and fisheries: Provided further,*
3 *That of the total amount appropriated, \$100,000,000 shall*
4 *be provided for direct assistance to fishers and seafood work-*
5 *ers to undertake cleanup activities and begin repairing ves-*
6 *sels and damaged facilities: Provided further, That of the*
7 *total amount appropriated, \$20,000,000 shall be provided*
8 *to assist shellfishermen in New England's coastal commu-*
9 *nities who suffered severe economic impact from last year's*
10 *toxic red tide outbreak: Provided further, That of the total*
11 *amount appropriated, \$25,000,000 shall be provided to em-*
12 *ploy fishers and vessel owners in marine debris and living*
13 *marine resource assessment activities.*

14 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

15 *For an additional amount for "Procurement, Acquisi-*
16 *tion and Construction" for necessary expenses related to the*
17 *consequences of Hurricane Katrina and other hurricanes of*
18 *the 2005 season, \$32,000,000, to remain available until ex-*
19 *pended: Provided, That the amount provided under this*
20 *heading is designated as an emergency requirement pursu-*
21 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
22 *concurrent resolution on the budget for fiscal year 2006.*

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SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for “Exploration Capabilities” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$35,000,000 shall be for the Stennis Space Center, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,254,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That up to \$190,000,000 may be transferred to and merged with “Salaries and Expenses” for administrative expenses to carry out the disaster loan program: Provided further, That none of the funds provided

1 *under this heading may be used for indirect administrative*
2 *expenses: Provided further, That of the amount provided*
3 *under this heading, up to \$712,000,000 may be transferred*
4 *to “Federal Emergency Management Agency, Disaster Re-*
5 *lief” to reimburse in whole, or in part, that account for*
6 *funds transferred to this account by Public Law 109–174:*
7 *Provided further, That the amounts provided under this*
8 *heading are designated as an emergency requirement pursu-*
9 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
10 *concurrent resolution on the budget for fiscal year 2006.*

11 **GENERAL PROVISIONS—THIS CHAPTER**

12 **HURRICANE RESPONSE PLAN FOR THE 2006 HURRICANE**

13 **SEASON**

14 **SEC. 2201. (a) In this section—**

15 (1) *the terms “Administration” and “Adminis-*
16 *trator” mean the Small Business Administration and*
17 *the Administrator thereof, respectively;*

18 (2) *the term “Disaster Loan Program” means*
19 *the disaster loan program authorized under section 7*
20 *of the Small Business Act (15 U.S.C. 636);*

21 (3) *the term “major disaster” has the meaning*
22 *given the term in section 102 of the Robert T. Staf-*
23 *ford Disaster Relief and Emergency Assistance Act*
24 *(42 U.S.C. 5122);*

1 (4) the term “small business concern” has the
2 meaning given the term in section 3 of the Small
3 Business Act (15 U.S.C. 632);

4 (5) the term “system” means the Disaster Credit
5 Management System of the Administration; and

6 (6) the term “2006 Atlantic hurricane season”
7 means the period beginning on June 1, 2006, and
8 ending on November 30, 2006.

9 (b) Not later than May 31, 2006, the Administrator
10 shall submit to the Committee on Small Business and En-
11 trepreneurship and the Committee on Appropriations of the
12 Senate and the Committee on Small Business and the Com-
13 mittee on Appropriations of the House of Representatives
14 a report on the status of the disaster response plan of the
15 Administration for the 2006 Atlantic hurricane season.

16 (c) The report required under subsection (b) shall
17 include—

18 (1) the plan of the Administrator for responding
19 quickly and efficiently after the occurrence of a major
20 disaster during the 2006 Atlantic hurricane season
21 and subsequent major disasters (including prepara-
22 tion and planning for disaster response resources and
23 staff, such as identifying loss verifiers and technical
24 assistance staff to deploy to potential disaster areas
25 in advance of chartable events such as hurricanes);

1 (2) a description of how the Administrator plans
2 to integrate and coordinate the response to a major
3 disaster with the staff and resources of the Federal
4 Emergency Management Agency (including details on
5 where and when joint training sessions are planned
6 during the 2006 Atlantic hurricane season);

7 (3) a description of how the Administrator plans
8 to integrate and coordinate the response to a major
9 disaster with the technical assistance programs of the
10 Administration (including the small business develop-
11 ment centers);

12 (4) the contingency plans of the Administration,
13 if any, for handling increases in the volume of appli-
14 cations under the Disaster Loan Program during the
15 2006 Atlantic hurricane season (including detailed
16 plans for using local banks, credit unions, and busi-
17 nesses in an area in which the President declares a
18 major disaster or the hiring of additional loan proc-
19 essing and loss verification staff);

20 (5) any available or revised surge plans for the
21 system (including surge plans for loss verification,
22 loan processing, mailroom, customer service or call
23 center operations, and a continuity of operations
24 plan);

1 (6) *information on the plans of the Administra-*
2 *tion, if any, for upgrading the Disaster Loan Pro-*
3 *gram application processing system, including—*

4 (A) *the user capacity of the system; and*

5 (B) *the estimated cost for upgrading the*
6 *software and equipment to handle additional*
7 *users;*

8 (7) *the number of full-time equivalent employees*
9 *and job descriptions for the planning and disaster re-*
10 *sponse staff of the Administration;*

11 (8) *information (including potential cost esti-*
12 *mates) on whether—*

13 (A) *the Administrator plans to hire full-*
14 *time planning staff during the 2006 Atlantic*
15 *hurricane season; and*

16 (B) *such full-time planner would be hired*
17 *in the Office of Disaster Assistance or in another*
18 *office of the Administration;*

19 (9) *the inservice and preservice training proce-*
20 *dures for disaster response staff of the Administra-*
21 *tion;*

22 (10) *information on the logistical support plans*
23 *of the Administration (including equipment and*
24 *staffing needs, and detailed information on how such*

1 *plans will be scalable depending on the size and scope*
2 *of the major disaster);*

3 *(11) information on the procurement procedures*
4 *of the Administration for acquiring equipment and*
5 *staff, including—*

6 *(A) standard procurement procedures dur-*
7 *ing nondisaster periods;*

8 *(B) standard procurement procedures before*
9 *and after major disasters;*

10 *(C) whether the Administration meets the*
11 *criteria to be exempt from the normal General*
12 *Services Administration procurement process for*
13 *its disaster response; and*

14 *(D) whether any administrative or legisla-*
15 *tive changes are needed to allow the Administra-*
16 *tion to be exempt from the normal General Serv-*
17 *ice Administration procurement process in re-*
18 *sponse to a disaster; and*

19 *(12) a description of the findings and rec-*
20 *ommendations of the Administrator, if any, based on*
21 *a review of the response of the Administration to*
22 *Hurricane Katrina of 2005, Hurricane Rita of 2005,*
23 *and Hurricane Wilma of 2005.*

24 *DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT*

25 *SEC. 2202. (a) In this section—*

1 (1) *the term “applicable period” means the pe-*
2 *riod beginning on the date on which the President de-*
3 *clares a major disaster and ending on the date that*
4 *is 30 days after the later of the closing date for appli-*
5 *cations for physical disaster loans for such disaster*
6 *and the closing date for applications for economic in-*
7 *jury disaster loans for such disaster; and*

8 (2) *the term “major disaster” has the meaning*
9 *given the term in section 102 of the Robert T. Staf-*
10 *ford Disaster Relief and Emergency Assistance Act*
11 *(42 U.S.C. 5122).*

12 (b) *Not later than the fifth business day of each month*
13 *during the applicable period for a major disaster, the Ad-*
14 *ministrator of the Small Business Administration shall*
15 *provide to the Committee on Small Business and Entrepre-*
16 *neurship and the Committee on Appropriations of the Sen-*
17 *ate and to the Committee on Small Business and the Com-*
18 *mittee on Appropriations of the House of Representatives*
19 *a report on the operation of the disaster loan program au-*
20 *thorized under section 7 of the Small Business Act (15*
21 *U.S.C. 636) for such disaster during the preceding month.*

22 (c) *Each report under subsection (b) shall include—*

23 (1) *the daily average lending volume, in number*
24 *of loans and dollars, and the percent by which each*

1 *category has increased or decreased since the previous*
2 *report under subsection (b);*

3 *(2) the weekly average lending volume, in num-*
4 *ber of loans and dollars, and the percent by which*
5 *each category has increased or decreased since the pre-*
6 *vious report under subsection (b);*

7 *(3) the amount of funding spent over the month*
8 *for loans, both in appropriations and program level,*
9 *and the percent by which each category has increased*
10 *or decreased since the previous report under sub-*
11 *section (b);*

12 *(4) the amount of funding available for loans,*
13 *both in appropriations and program level, and the*
14 *percent by which each category has increased or de-*
15 *creased, noting the source of any additional funding;*

16 *(5) an estimate of how long the available funding*
17 *for such loans will last, based on the spending rate;*

18 *(6) the amount of funding spent over the month*
19 *for staff, along with the number of staff, and the per-*
20 *cent by which each category has increased or de-*
21 *creased since the previous report under subsection (b);*

22 *(7) the amount of funding spent over the month*
23 *for administrative costs, and the percent by which*
24 *such spending has increased or decreased since the*
25 *previous report under subsection (b);*

1 (8) *the amount of funding available for salaries*
2 *and expenses combined, and the percent by which*
3 *such funding has increased or decreased, noting the*
4 *source of any additional funding; and*

5 (9) *an estimate of how long the available funding*
6 *for salaries and expenses will last, based on the*
7 *spending rate.*

8 CHAPTER 3

9 DEPARTMENT OF DEFENSE—MILITARY

10 MILITARY PERSONNEL

11 MILITARY PERSONNEL, ARMY

12 *For an additional amount for “Military Personnel,*
13 *Army”, \$2,125,000, for necessary expenses related to the*
14 *consequences of Hurricane Katrina and other hurricanes of*
15 *the 2005 season: Provided, That the amount provided under*
16 *this heading is designated as an emergency requirement*
17 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
18 *gress), the concurrent resolution on the budget for fiscal year*
19 *2006.*

20 MILITARY PERSONNEL, NAVY

21 *For an additional amount for “Military Personnel,*
22 *Navy”, \$22,002,000, for necessary expenses related to the*
23 *consequences of Hurricane Katrina and other hurricanes of*
24 *the 2005 season: Provided, That the amount provided under*
25 *this heading is designated as an emergency requirement*

1 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
2 *gress), the concurrent resolution on the budget for fiscal year*
3 *2006.*

4 *MILITARY PERSONNEL, MARINE CORPS*

5 *For an additional amount for “Military Personnel,*
6 *Marine Corps”, \$3,992,000, for necessary expenses related*
7 *to the consequences of Hurricane Katrina and other hurri-*
8 *canes of the 2005 season: Provided, That the amount pro-*
9 *vided under this heading is designated as an emergency re-*
10 *quirement pursuant to section 402 of H. Con. Res. 95*
11 *(109th Congress), the concurrent resolution on the budget*
12 *for fiscal year 2006.*

13 *MILITARY PERSONNEL, AIR FORCE*

14 *For an additional amount for “Military Personnel,*
15 *Air Force”, \$21,610,000, for necessary expenses related to*
16 *the consequences of Hurricane Katrina and other hurri-*
17 *canes of the 2005 season: Provided, That the amount pro-*
18 *vided under this heading is designated as an emergency re-*
19 *quirement pursuant to section 402 of H. Con. Res. 95*
20 *(109th Congress), the concurrent resolution on the budget*
21 *for fiscal year 2006.*

22 *RESERVE PERSONNEL, ARMY*

23 *For an additional amount for “Reserve Personnel,*
24 *Army”, \$4,071,000, for necessary expenses related to the*
25 *consequences of Hurricane Katrina and other hurricanes of*

1 *the 2005 season: Provided, That the amount provided under*
2 *this heading is designated as an emergency requirement*
3 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
4 *gress), the concurrent resolution on the budget for fiscal year*
5 *2006.*

6 *RESERVE PERSONNEL, NAVY*

7 *For an additional amount for “Reserve Personnel,*
8 *Navy”, \$10,200,000, for necessary expenses related to the*
9 *consequences of Hurricane Katrina and other hurricanes of*
10 *the 2005 season: Provided, That the amount provided under*
11 *this heading is designated as an emergency requirement*
12 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
13 *gress), the concurrent resolution on the budget for fiscal year*
14 *2006.*

15 *RESERVE PERSONNEL, MARINE CORPS*

16 *For an additional amount for “Reserve Personnel, Ma-*
17 *rine Corps”, \$2,176,000, for necessary expenses related to*
18 *the consequences of Hurricane Katrina and other hurri-*
19 *canes of the 2005 season: Provided, That the amount pro-*
20 *vided under this heading is designated as an emergency re-*
21 *quirement pursuant to section 402 of H. Con. Res. 95*
22 *(109th Congress), the concurrent resolution on the budget*
23 *for fiscal year 2006.*

1 *RESERVE PERSONNEL, AIR FORCE*

2 *For an additional amount for “Reserve Personnel, Air*
3 *Force”, \$94,000, for necessary expenses related to the con-*
4 *sequences of Hurricane Katrina and other hurricanes of the*
5 *2005 season: Provided, That the amount provided under*
6 *this heading is designated as an emergency requirement*
7 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
8 *gress), the concurrent resolution on the budget for fiscal year*
9 *2006.*

10 *NATIONAL GUARD PERSONNEL, ARMY*

11 *For an additional amount for “National Guard Per-*
12 *sonnel, Army”, \$1,304,000, for necessary expenses related*
13 *to the consequences of Hurricane Katrina and other hurri-*
14 *canes of the 2005 season: Provided, That the amount pro-*
15 *vided under this heading is designated as an emergency re-*
16 *quirement pursuant to section 402 of H. Con. Res. 95*
17 *(109th Congress), the concurrent resolution on the budget*
18 *for fiscal year 2006.*

19 *NATIONAL GUARD PERSONNEL, AIR FORCE*

20 *For an additional amount for “National Guard Per-*
21 *sonnel, Air Force”, \$1,408,000, for necessary expenses re-*
22 *lated to the consequences of Hurricane Katrina and other*
23 *hurricanes of the 2005 season: Provided, That the amount*
24 *provided under this heading is designated as an emergency*
25 *requirement pursuant to section 402 of H. Con. Res. 95*

1 *(109th Congress), the concurrent resolution on the budget*
2 *for fiscal year 2006.*

3 *OPERATION AND MAINTENANCE*

4 *OPERATION AND MAINTENANCE, NAVY*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Navy”, \$29,913,000, to remain available until Sep-*
7 *tember 30, 2007, for necessary expenses related to the con-*
8 *sequences of Hurricane Katrina and other hurricanes of the*
9 *2005 season: Provided, That the amount provided under*
10 *this heading is designated as an emergency requirement*
11 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
12 *gress), the concurrent resolution on the budget for fiscal year*
13 *2006.*

14 *OPERATION AND MAINTENANCE, AIR FORCE*

15 *For an additional amount for “Operation and Mainte-*
16 *nance, Air Force”, \$37,359,000, to remain available until*
17 *September 30, 2007, for necessary expenses related to the*
18 *consequences of Hurricane Katrina and other hurricanes of*
19 *the 2005 season: Provided, That the amount provided under*
20 *this heading is designated as an emergency requirement*
21 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
22 *gress), the concurrent resolution on the budget for fiscal year*
23 *2006.*

1 *OPERATION AND MAINTENANCE, NAVY RESERVE*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Navy Reserve”, \$12,755,000, to remain available*
4 *until September 30, 2007, for necessary expenses related to*
5 *the consequences of Hurricane Katrina and other hurri-*
6 *canes of the 2005 season: Provided, That the amount pro-*
7 *vided under this heading is designated as an emergency re-*
8 *quirement pursuant to section 402 of H. Con. Res. 95*
9 *(109th Congress), the concurrent resolution on the budget*
10 *for fiscal year 2006.*

11 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

12 *For an additional amount for “Operation and Mainte-*
13 *nance, Air Force Reserve”, \$1,277,000, to remain available*
14 *until September 30, 2007, for necessary expenses related to*
15 *the consequences of Hurricane Katrina and other hurri-*
16 *canes of the 2005 season: Provided, That the amount pro-*
17 *vided under this heading is designated as an emergency re-*
18 *quirement pursuant to section 402 of H. Con. Res. 95*
19 *(109th Congress), the concurrent resolution on the budget*
20 *for fiscal year 2006.*

21 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

22 *For an additional amount for “Operation and Mainte-*
23 *nance, Army National Guard”, \$42,307,000, to remain*
24 *available until September 30, 2007, for necessary expenses*
25 *related to the consequences of Hurricane Katrina and other*

1 *hurricanes of the 2005 season: Provided, That the amount*
2 *provided under this heading is designated as an emergency*
3 *requirement pursuant to section 402 of H. Con. Res. 95*
4 *(109th Congress), the concurrent resolution on the budget*
5 *for fiscal year 2006.*

6 **PROCUREMENT**

7 **PROCUREMENT OF AMMUNITION, ARMY**

8 *For an additional amount for “Procurement of Am-*
9 *munition, Army”, \$700,000, to remain available until Sep-*
10 *tember 30, 2008, for necessary expenses related to the con-*
11 *sequences of Hurricane Katrina and other hurricanes of the*
12 *2005 season: Provided, That the amount provided under*
13 *this heading is designated as an emergency requirement*
14 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
15 *gress), the concurrent resolution on the budget for fiscal year*
16 *2006.*

17 **OTHER PROCUREMENT, ARMY**

18 *For an additional amount for “Other Procurement,*
19 *Army”, \$9,136,000, to remain available until September*
20 *30, 2008, for necessary expenses related to the consequences*
21 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
22 *son: Provided, That the amount provided under this head-*
23 *ing is designated as an emergency requirement pursuant*
24 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
25 *current resolution on the budget for fiscal year 2006.*

1 *AIRCRAFT PROCUREMENT, NAVY*

2 *For an additional amount for “Aircraft Procurement,*
3 *Navy”, \$579,000, to remain available until September 30,*
4 *2008, for necessary expenses related to the consequences of*
5 *Hurricane Katrina and other hurricanes of the 2005 sea-*
6 *son: Provided, That the amount provided under this head-*
7 *ing is designated as an emergency requirement pursuant*
8 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
9 *current resolution on the budget for fiscal year 2006.*

10 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*11 *CORPS*

12 *For an additional amount for “Procurement of Am-*
13 *munition, Navy and Marine Corps”, \$899,000, to remain*
14 *available until September 30, 2008, for necessary expenses*
15 *related to the consequences of Hurricane Katrina and other*
16 *hurricanes of the 2005 season: Provided, That the amount*
17 *provided under this heading is designated as an emergency*
18 *requirement pursuant to section 402 of H. Con. Res. 95*
19 *(109th Congress), the concurrent resolution on the budget*
20 *for fiscal year 2006.*

21 *SHIPBUILDING AND CONVERSION, NAVY*

22 *For an additional amount for “Shipbuilding and Con-*
23 *version, Navy”, \$1,025,236,000, to remain available until*
24 *September 30, 2010, for necessary expenses related to the*
25 *consequences of Hurricane Katrina and other hurricanes of*

1 *the 2005 season, which shall be available for transfer within*
2 *this account to replace destroyed or damaged equipment,*
3 *prepare and recover naval vessels under contract; and pro-*
4 *vide for cost adjustments for naval vessels for which funds*
5 *have been previously appropriated: Provided, That this*
6 *transfer authority is in addition to any other transfer au-*
7 *thority available to the Department of Defense: Provided*
8 *further, That the Secretary of Defense shall, not fewer than*
9 *15 days prior to making transfers within this appropri-*
10 *ation, notify the congressional defense committees in writing*
11 *of the details of any such transfer: Provided further, That*
12 *the amount provided under this heading is designated as*
13 *an emergency requirement pursuant to section 402 of H.*
14 *Con. Res. 95 (109th Congress), the concurrent resolution on*
15 *the budget for fiscal year 2006.*

16 *OTHER PROCUREMENT, NAVY*

17 *For an additional amount for “Other Procurement,*
18 *Navy”, \$85,040,000, to remain available until September*
19 *30, 2008, for necessary expenses related to the consequences*
20 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
21 *son: Provided, That the amount provided under this head-*
22 *ing is designated as an emergency requirement pursuant*
23 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
24 *current resolution on the budget for fiscal year 2006.*

1 *AIRCRAFT PROCUREMENT, AIR FORCE*

2 *For an additional amount for “Aircraft Procurement,*
3 *Air Force”, \$13,000,000, to remain available until Sep-*
4 *tember 30, 2008, for necessary expenses related to the con-*
5 *sequences of Hurricane Katrina and other hurricanes of the*
6 *2005 season: Provided, That the amount provided under*
7 *this heading is designated as an emergency requirement*
8 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
9 *gress), the concurrent resolution on the budget for fiscal year*
10 *2006.*

11 *PROCUREMENT, DEFENSE-WIDE*

12 *For an additional amount for “Procurement, Defense-*
13 *Wide”, \$2,797,000, to remain available until September 30,*
14 *2008, for necessary expenses related to the consequences of*
15 *Hurricane Katrina and other hurricanes of the 2005 sea-*
16 *son: Provided, That the amount provided under this head-*
17 *ing is designated as an emergency requirement pursuant*
18 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
19 *current resolution on the budget for fiscal year 2006.*

20 *RESEARCH, DEVELOPMENT, TEST AND*21 *EVALUATION*22 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

23 *For an additional amount for “Research, Develop-*
24 *ment, Test and Evaluation, Navy”, \$12,000,000, to remain*
25 *available until September 30, 2007, for necessary expenses*

1 *related to the consequences of Hurricane Katrina and other*
2 *hurricanes of the 2005 season: Provided, That the amount*
3 *provided under this heading is designated as an emergency*
4 *requirement pursuant to section 402 of H. Con. Res. 95*
5 *(109th Congress), the concurrent resolution on the budget*
6 *for fiscal year 2006.*

7 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
8 *FORCE*

9 *For an additional amount for “Research, Develop-*
10 *ment, Test and Evaluation, Air Force”, \$6,250,000, to re-*
11 *main available until September 30, 2007, for necessary ex-*
12 *penses related to the consequences of Hurricane Katrina*
13 *and other hurricanes of the 2005 season: Provided, That*
14 *the amount provided under this heading is designated as*
15 *an emergency requirement pursuant to section 402 of H.*
16 *Con. Res. 95 (109th Congress), the concurrent resolution on*
17 *the budget for fiscal year 2006.*

18 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
19 *DEFENSE-WIDE*

20 *For an additional amount for “Research, Develop-*
21 *ment, Test and Evaluation, Defense-Wide”, \$730,000, to re-*
22 *main available until September 30, 2007, for necessary ex-*
23 *penses related to the consequences of Hurricane Katrina*
24 *and other hurricanes of the 2005 season: Provided, That*
25 *the amount provided under this heading is designated as*

1 *an emergency requirement pursuant to section 402 of H.*
2 *Con. Res. 95 (109th Congress), the concurrent resolution on*
3 *the budget for fiscal year 2006.*

4 *REVOLVING AND MANAGEMENT FUNDS*

5 *DEFENSE WORKING CAPITAL FUNDS*

6 *For an additional amount for “Defense Working Cap-*
7 *ital Funds”, \$1,222,000, to remain available until Sep-*
8 *tember 30, 2006, for necessary expenses related to the con-*
9 *sequences of Hurricane Katrina and other hurricanes of the*
10 *2005 season: Provided, That the amount provided under*
11 *this heading is designated as an emergency requirement*
12 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
13 *gress), the concurrent resolution on the budget for fiscal year*
14 *2006.*

15 *NATIONAL DEFENSE SEALIFT FUND*

16 *For an additional amount for “National Defense Sea-*
17 *lift Fund”, \$10,000,000, to remain available until ex-*
18 *pendent, for necessary expenses related to the consequences*
19 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
20 *son: Provided, That the amount provided under this head-*
21 *ing is designated as an emergency requirement pursuant*
22 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
23 *current resolution on the budget for fiscal year 2006.*

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TRUST FUNDS

*GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS,
SALES OF COMMISSARY STORES, DEFENSE*

For an additional amount for “General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense”, \$10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, \$326,000, to remain available until September

1 30, 2007, for necessary expenses related to the consequences
2 of Hurricane Katrina and other hurricanes of the 2005 sea-
3 son: Provided, That the amount provided under this head-
4 ing is designated as an emergency requirement pursuant
5 to section 402 of H. Con. Res. 95 (109th Congress), the con-
6 current resolution on the budget for fiscal year 2006.

7 **GENERAL PROVISIONS—THIS CHAPTER**

8 **SPECIAL TRANSFER AUTHORITY**

9 **(TRANSFER OF FUNDS)**

10 **SEC. 2301.** Upon his determination that such action
11 is necessary to ensure the appropriate allocation of funds
12 provided to the Department of Defense in this chapter, the
13 Secretary of Defense may transfer up to \$75,000,000, of
14 such funds between such appropriations: Provided, That the
15 Secretary shall notify the Congress promptly of each trans-
16 fer made pursuant to this authority: Provided further, That
17 the transfer authority provided in this section is in addi-
18 tion to any other transfer authority available to the Depart-
19 ment of Defense: Provided further, That the amount made
20 available by the transfer of funds in or pursuant to this
21 section is designated as an emergency requirement pursuant
22 to section 402 of H. Con. Res. 95 (109th Congress), the con-
23 current resolution on the budget for fiscal year 2006.

24 **PROHIBITION OF NEW START PROGRAMS**

25 **SEC. 2302.** None of the funds provided in this chapter
26 may be used to finance programs or activities denied by

1 *Congress in fiscal year 2005 and 2006 appropriations to*
2 *the Department of Defense or to initiate a procurement or*
3 *research, development, test and evaluation new start pro-*
4 *gram without prior written notification to the congressional*
5 *defense committees.*

6 *NAVY SHIPBUILDING COST ADJUSTMENTS*

7 *SEC. 2303. (a) Amounts appropriated or otherwise*
8 *made available by this Act, or by chapter 2 of title I of*
9 *the Emergency Supplemental Appropriations Act to Ad-*
10 *dress Hurricanes in the Gulf of Mexico and Pandemic In-*
11 *fluenza, 2006 (division B of Public Law 109–148; 119 Stat.*
12 *2757), under the heading “Shipbuilding and Conversion,*
13 *Navy” may be obligated and expended to pay the costs of*
14 *any business disruption incurred by a ship construction*
15 *contractor with respect to facilities or businesses located in*
16 *the Hurricane Katrina Disaster Area by reason of Hurri-*
17 *cane Katrina.*

18 *(b) Amounts received by a ship construction contractor*
19 *under subsection (a) with respect to the costs of business*
20 *disruption described in that subsection may not be treated*
21 *as collateral insurance coverage or otherwise treated as pay-*
22 *ments which would reduce amounts otherwise payable to*
23 *the contractor for such costs under any insurance or similar*
24 *payer plan.*

25 *(c) The Secretary of the Navy shall adjust any ship-*
26 *building contract with a ship construction contractor de-*

1 *scribed in subsection (a) in order to take into account the*
2 *business disruption incurred by the contractor as described*
3 *in that subsection.*

4 *(d)(1) In the event a shipbuilding contractor receives*
5 *payment (whether through insurance or similar payer*
6 *plan) for costs described in subsection (a) for which the con-*
7 *tractor has been paid amounts under that subsection, the*
8 *contractor shall reimburse the United States for amounts*
9 *paid under that subsection in the amount of the payment*
10 *so received by the contractor.*

11 *(2) Amounts received by the United States as reim-*
12 *bursement under paragraph (1) shall be credited to the ac-*
13 *count from which payment for the amounts reimbursed*
14 *were made. Amounts credited to such account shall be*
15 *merged with amounts in such account, and shall be avail-*
16 *able for the same purposes, and subject to the same condi-*
17 *tions and limitations, as amounts in such account.*

18 *(e) In this section, the term “Hurricane Katrina Dis-*
19 *aster Area” has the meaning given that term in section*
20 *1400M(2) of the Internal Revenue Code of 1986.*

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CHAPTER 4
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$45,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That using \$20,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed, at full Federal expense, to inventory all Federal and non-Federal flood and storm damage reduction projects; develop and test a methodology to assess the structural and operational integrity of such projects and the associated risks; and establish and maintain a database of such projects, which shall include information on the structural and operational integrity of the projects and the parties responsible for operation and maintenance of the projects included therein: Provided further, That

1 \$25,000,000 of the funds provided herein shall be used for
2 Louisiana Coastal Area Restoration studies.

3 For an additional amount for “Investigations” for
4 flood hazard analyses and technical studies related to the
5 consequences of Hurricane Katrina and other disasters,
6 \$2,500,000 to remain available until expended: Provided,
7 That the amount provided under this heading is designated
8 as an emergency requirement pursuant to section 402 of
9 H. Con. Res. 95 (109th Congress), the concurrent resolution
10 on the budget for fiscal year 2006: Provided further, That
11 the Secretary of the Army acting through the Chief of Engi-
12 neers is directed to use funds appropriated herein for dis-
13 aster and other emergency needs, of which up to \$1,000,000
14 is for Flood Plain Management Services for flood hazard
15 and hydrologic investigations in flood prone areas of Ha-
16 waii; up to \$1,250,000 is for the Delta Islands and Levee
17 study in California; and \$250,000 is for completion of the
18 CALFED 180-day levee study: Provided further, That the
19 amount shall be available for the studies identified above
20 and only to the extent that an official budget request for
21 a specific dollar amount, that includes designation of the
22 entire amount of the request as an emergency requirement,
23 is transmitted by the President to the Congress.

24 CONSTRUCTION

25 For an additional amount for “Construction” for nec-
26 essary expenses related to the consequences of Hurricane

1 *Katrina and other hurricanes of the 2005 season,*
2 *\$595,300,000, to remain available until expended, of which*
3 *up to \$100,000,000 may be used to reduce the risk of storm*
4 *damage to the greater New Orleans metropolitan area, at*
5 *full Federal expense, by restoring the surrounding wetlands*
6 *through measures to begin to reverse wetland losses in areas*
7 *affected by navigation, oil and gas, and other channels and*
8 *through modification of the Caernarvon Freshwater Diver-*
9 *sion structure or its operations; at least \$495,300,000 shall*
10 *be used consistent with the cost-sharing provisions under*
11 *which the projects were originally constructed to raise levee*
12 *heights where necessary and otherwise enhance the existing*
13 *Lake Pontchartrain and Vicinity project and the existing*
14 *West Bank and Vicinity project to provide the levels of pro-*
15 *tection necessary to achieve the certification required for*
16 *participation in the National Flood Insurance Program*
17 *under the base flood elevations current at the time of this*
18 *construction: Provided, That any project using funds ap-*
19 *propriated herein shall be initiated only after non-Federal*
20 *interests have entered into binding agreements with the Sec-*
21 *retary of the Army to pay 100 percent of the operation,*
22 *maintenance, repair, replacement and rehabilitation costs*
23 *of the project and to hold and save the United States free*
24 *from damages due to the construction or operation and*
25 *maintenance of the project, except for damages due to the*

1 *fault or negligence of the United States or its contractors:*
2 *Provided further, That Congress designates this amount as*
3 *an emergency requirement for these specific purposes: Pro-*
4 *vided further, That the amount provided under this heading*
5 *is designated as an emergency requirement pursuant to sec-*
6 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
7 *rent resolution on the budget for fiscal year 2006.*

8 *For an additional amount for “Construction” for nec-*
9 *essary expenses related to other disasters, \$39,000,000, to*
10 *remain available until expended: Provided, That the*
11 *amount provided under this heading is designated as an*
12 *emergency requirement pursuant to section 402 of H. Con.*
13 *Res. 95 (109th Congress), the concurrent resolution on the*
14 *budget for fiscal year 2006: Provided further, That the Sec-*
15 *retary of the Army acting through the Chief of Engineers*
16 *is directed to use funds appropriated herein for disaster and*
17 *other emergency needs, of which up to \$7,100,000 is for*
18 *South Sacramento Streams, California; up to \$23,300,000*
19 *is for the Sacramento River Bank Protection, California;*
20 *up to \$5,100,000 is for American River (Common Fea-*
21 *tures), California; up to \$1,500,000 is for North Padre Is-*
22 *land, Texas; and up to \$2,000,000 shall be provided at full*
23 *Federal expense for the Hawaii water systems technical as-*
24 *sistance program: Provided further, That the amount shall*
25 *be available for the projects identified above and only to*

1 *the extent that an official budget request for a specific dollar*
2 *amount, that includes designation of the entire amount of*
3 *the request as an emergency requirement, is transmitted by*
4 *the President to the Congress.*

5 *OPERATIONS AND MAINTENANCE*

6 *For an additional amount for “Operations and Main-*
7 *tenance” to dredge navigation channels and repair other*
8 *Corps projects related to the consequences of Hurricane*
9 *Katrina and other hurricanes of the 2005 season,*
10 *\$3,200,000 to remain available until expended: Provided,*
11 *That the amount provided under this heading is designated*
12 *as an emergency requirement pursuant to section 402 of*
13 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
14 *on the budget for fiscal year 2006: Provided further, That*
15 *the Secretary of the Army acting through the Chief of Engi-*
16 *neers is directed to use funds appropriated herein for dredg-*
17 *ing needs along the Texas gulf coast, of which up to*
18 *\$2,000,000 is for Freeport Harbor, Texas; and up to*
19 *\$1,200,000 is for Texas City, Texas: Provided further, That*
20 *the amount shall be available only for the projects identified*
21 *above and to the extent that an official budget request for*
22 *a specific dollar amount, that includes designation of the*
23 *entire amount of the request as an emergency requirement,*
24 *is transmitted by the President to the Congress.*

1 *FLOOD CONTROL AND COASTAL EMERGENCIES*

2 *For an additional amount for “Flood Control and*
3 *Coastal Emergencies”, as authorized by section 5 of the Act*
4 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
5 *relating to the consequences of Hurricane Katrina and other*
6 *hurricanes of the 2005 season, \$3,299,000,000, to remain*
7 *available until expended: Provided, That the Secretary of*
8 *the Army is directed to use the funds appropriated under*
9 *this heading to modify, at full Federal expense, authorized*
10 *projects in southeast Louisiana to provide hurricane and*
11 *storm damage reduction and flood damage reduction in the*
12 *greater New Orleans and surrounding areas; of the funds*
13 *appropriated under this heading, \$200,000,000 shall be*
14 *used for section 2401; \$530,000,000 shall be used to modify*
15 *the 17th Street, Orleans Avenue, and London Avenue drain-*
16 *age canals and install pumps and closure structures at or*
17 *near the lakefront; \$250,000,000 shall be used for storm-*
18 *proofing interior pump stations to ensure the operability*
19 *of the stations during hurricanes, storms, and high water*
20 *events; \$170,000,000 shall be used for armoring critical ele-*
21 *ments of the New Orleans hurricane and storm damage re-*
22 *duction system; \$350,000,000 shall be used to improve pro-*
23 *tection at the Inner Harbor Navigation Canal;*
24 *\$215,000,000 shall be used to replace or modify certain non-*
25 *Federal levees in Plaquemines Parish to incorporate the lev-*

1 *ees into the existing New Orleans to Venice hurricane pro-*
2 *tection project; and \$1,584,000,000 shall be used for rein-*
3 *forcing or replacing flood walls, as necessary, in the existing*
4 *Lake Pontchartrain and vicinity project and the existing*
5 *West Bank and vicinity project to improve the performance*
6 *of the systems: Provided further, That any project using*
7 *funds appropriated under this heading shall be initiated*
8 *only after non-Federal interests have entered into binding*
9 *agreements with the Secretary to pay 100 percent of the*
10 *operation, maintenance, repair, replacement, and rehabili-*
11 *tation costs of the project and to hold and save the United*
12 *States free from damages due to the construction or oper-*
13 *ation and maintenance of the project, except for damages*
14 *due to the fault or negligence of the United States or its*
15 *contractors: Provided further, That the amount provided*
16 *under this heading is designated as an emergency require-*
17 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
18 *Congress), the concurrent resolution on the budget for fiscal*
19 *year 2006.*

20 *For an additional amount for “Flood Control and*
21 *Coastal Emergencies”, as authorized by section 5 of the Act*
22 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
23 *relating to those hurricanes and other disasters,*
24 *\$17,500,000, to remain available until expended: Provided,*
25 *That the amount provided under this heading is designated*

1 *as an emergency requirement pursuant to section 402 of*
2 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
3 *on the budget for fiscal year 2006: Provided further, That*
4 *the Secretary, acting through the Chief of Engineers, is di-*
5 *rected to use funds appropriated under this heading for the*
6 *restoration of funds for hurricane-damaged projects in the*
7 *State of Pennsylvania: Provided further, That the amount*
8 *shall be available for the projects identified above and only*
9 *to the extent that an official budget request for a specific*
10 *dollar amount, including a designation of the entire*
11 *amount of the request as an emergency requirement, is*
12 *transmitted by the President to Congress.*

13 **GENERAL PROVISIONS—THIS CHAPTER**

14 **FLOOD PROTECTION, LOUISIANA**

15 **SEC. 2401.** (a) *There shall be made available*
16 *\$200,000,000 for the Secretary of the Army (referred to in*
17 *this section as the “Secretary”) to provide, at full Federal*
18 *expense—*

19 (1) *removal of the existing pumping stations on*
20 *the 3 interior drainage canals in Jefferson and Orle-*
21 *ans Parishes and realignment of the drainage canals*
22 *to direct interior flows to the new permanent pump*
23 *stations to be constructed at Lake Pontchartrain;*

1 (2) *repairs, replacements, modifications, and im-*
2 *provements of non-Federal levees and associated pro-*
3 *tection measures—*

4 (A) *in areas of Terrebonne Parish; and*

5 (B) *on the east bank of the Mississippi*
6 *River in Plaquemines Parish, Louisiana; and*

7 (3) *for armoring the hurricane and storm dam-*
8 *age reduction system in south Louisiana.*

9 (4) *A project under this section shall be initiated*
10 *only after non-Federal interests have entered into*
11 *binding agreements with the Secretary to pay 100*
12 *percent of the operation and maintenance costs of the*
13 *project and to hold and save the United States free*
14 *from damages due to the construction or operation*
15 *and maintenance of the project, except for damages*
16 *due to the fault or negligence of the United States or*
17 *its contractors.*

18 (5) *Not later than 60 days after the date of en-*
19 *actment of this Act the Secretary in consultation with*
20 *Plaquemines Parish and the State of Louisiana shall*
21 *submit to Congress a report detailing a modified plan*
22 *regarding levels of protection for lower Plaquemines*
23 *Parish, Louisiana, relating to hurricane protection*
24 *with a focus on—*

25 (A) *protecting densely populated areas;*

1 (B) energy infrastructure;

2 (C) structural and nonstructural coastal
3 barriers and protection;

4 (D) port facilities; and

5 (E) the long-term maintenance and protec-
6 tion of the deep draft navigation channel on the
7 Mississippi River, not including the Mississippi
8 River-Gulf Outlet.

9 (6) Not later than 30 days after the date of en-
10 actment of this Act, the Secretary shall offer to enter
11 into a contract with the National Academies to pro-
12 vide to the Secretary a report, by not later than 90
13 days after the date of enactment of this Act, describ-
14 ing, for the period beginning on the date on which the
15 individual system components for hurricane and
16 storm damage reduction was constructed and ending
17 on the date on which the report is prepared, the dif-
18 ference between—

19 (A) the portion of the vertical depreciation
20 of the system that is attributable to design and
21 construction flaws, taking into consideration the
22 settling of levees and floodwalls or subsidence;
23 and

24 (B) the portion of that depreciation that is
25 attributable to the application of new storm data

1 *that may require a higher level of vertical protec-*
2 *tion in order to comply with 100-year floodplain*
3 *certification and standard protect hurricane.*

4 *(7) The Secretary of the Army, acting through*
5 *the Chief of Engineers, shall use \$3,500,000 within*
6 *the funds provided in Sec. 2401(a) to develop a com-*
7 *prehensive plan, at full Federal expense, to, at a min-*
8 *imum, deauthorize deep draft navigation on the Mis-*
9 *issippi River-Gulf Outlet established by Public Law*
10 *84-455 (70 Stat. 65, chapter 112) (referred to in this*
11 *matter as the "Outlet"), extending from the Gulf of*
12 *Mexico to the Gulf Intracoastal Waterway, and ad-*
13 *dress wetland losses attributable to the Outlet, channel*
14 *bank erosion, hurricane and storm protection, salt-*
15 *water intrusion, navigation, ecosystem restoration,*
16 *and related issues: Provided, That the plan shall in-*
17 *clude recommended authorization modifications to the*
18 *Outlet regarding what, if any, navigation should con-*
19 *tinue, measures to provide hurricane and storm pro-*
20 *tection, prevent saltwater intrusion, and re-establish*
21 *the storm buffering properties and ecological integrity*
22 *of the wetland damaged by construction and oper-*
23 *ation of the Outlet, and complement restoration of*
24 *coastal Louisiana: Provided further, That the Sec-*
25 *retary shall develop the plan in consultation with the*

1 *Parish of St. Bernard, Louisiana, the State of Lou-*
2 *isiana, the Secretary of the Interior, the Secretary of*
3 *Commerce, the Administrator of the Environmental*
4 *Protection Agency, and the National Academy of*
5 *Sciences: Provided further, That the Secretary shall*
6 *seek input, review, and comment from the public and*
7 *the scientific community for incorporation into the*
8 *interim plan: Provided further, That the Secretary*
9 *shall ensure that an independent panel of experts es-*
10 *tablished by the National Academy of Sciences re-*
11 *views and provides written comments for incorpora-*
12 *tion into the interim plan: Provided further, That,*
13 *not later than 6 months after the date of enactment*
14 *of this Act, the Secretary shall submit an interim re-*
15 *port to Congress comprising the plan, the written*
16 *comments of the independent panel of experts, and the*
17 *written explanation of the Secretary for any rec-*
18 *ommendation of the independent panel of experts not*
19 *adopted in the plan: Provided further, That the Sec-*
20 *retary shall refine the plan, if necessary, to be fully*
21 *consistent, integrated, and included in the final tech-*
22 *anical report to be issued in December 2007 pursuant*
23 *to the matter under the heading “INVESTIGATIONS”*
24 *under the heading “CORPS OF ENGINEERS—CIVIL” of*
25 *title I of the Energy and Water Development Appro-*

1 *priations Act, 2006 (Public Law 109–103, 119 Stat.*
2 *2247; Public Law 109–148, 119 Stat. 2814): Provided*
3 *further, That the amount provided under this heading*
4 *is designated as an emergency requirement pursuant*
5 *to section 402 of H. Con. Res. 95 (109th Congress),*
6 *the concurrent resolution on the budget for fiscal year*
7 *2006: Provided further, That for the projects identi-*
8 *fied in the report on the Mississippi River-Gulf Outlet*
9 *due by December 2007, required by this section, the*
10 *Secretary shall submit such reports to the Senate En-*
11 *vironment and Public Works Committee and House*
12 *Transportation and Infrastructure Committee: Pro-*
13 *vided further, That upon adoption of a resolution au-*
14 *thorizing the project by each committee, the Secretary*
15 *shall be authorized to construct such projects.*

16 (8) *The amounts provided under this heading*
17 *are designated as an emergency requirement pursuant*
18 *to section 402 of H. Con. Res. 95 (109th Congress),*
19 *the concurrent resolution on the budget for fiscal year*
20 *2006.*

21 *SEC. 2402 USE OF UNEXPENDED FUNDS. (a) IN GEN-*
22 *ERAL.—Notwithstanding any other provision of law,*
23 *amounts made available to the State of Oklahoma or agen-*
24 *cies or authorities therein (referred to in this section as the*
25 *“State”) before the date of enactment of this Act for general*

1 *remediation activities being conducted in the vicinity of the*
 2 *Tar Creek Superfund Site in northeastern Oklahoma and*
 3 *in Ottawa County, Oklahoma, that remain unexpended as*
 4 *of the date of enactment of this Act are authorized to be*
 5 *used by the State to assist individuals and entities in re-*
 6 *moval from areas at risk or potential risk of damage caused*
 7 *by land subsidence as determined by the State.*

8 (b) *USE OF UNEXPENDED FUNDS.—The use of*
 9 *unexpended funds in accordance with subsection*
 10 *(a)—*

11 *(1) shall not be subject to the Uniform Relocation As-*
 12 *sistance and Real Property Acquisition Policies Act of 1970*
 13 *(42 U.S.C. 4601 et seq.);*

14 *(2) may include any general remediation activities de-*
 15 *scribed in section (a) determined to be appropriate by the*
 16 *State, including the buyout of 1 or more properties to facili-*
 17 *tate a removal described in subsection (a).*

18 CHAPTER 5

19 DEPARTMENT OF HOMELAND SECURITY

20 CUSTOMS AND BORDER PROTECTION

21 SALARIES AND EXPENSES

22 *For an additional amount for “Salaries and Ex-*
 23 *penses” for necessary expenses related to the consequences*
 24 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
 25 *son, \$12,900,000: Provided, That the amount provided*

1 *under this heading is designated as an emergency require-*
2 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
3 *Congress), the concurrent resolution on the budget for fiscal*
4 *year 2006.*

5 *CONSTRUCTION*

6 *For an additional amount for “Construction” for nec-*
7 *essary expenses related to the consequences of Hurricane*
8 *Katrina and other hurricanes of the 2005 season,*
9 *\$4,800,000, to remain available until expended: Provided,*
10 *That the amount provided under this heading is designated*
11 *as an emergency requirement pursuant to section 402 of*
12 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
13 *on the budget for fiscal year 2006.*

14 *UNITED STATES COAST GUARD*

15 *OPERATING EXPENSES*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For an additional amount for “Operating Expenses”*
18 *for necessary expenses related to the consequences of Hurri-*
19 *cane Katrina and other hurricanes of the 2005 season,*
20 *\$90,570,900, to remain available until September 30, 2007,*
21 *of which up to \$267,000 may be transferred to “Environ-*
22 *mental Compliance and Restoration” to be used for envi-*
23 *ronmental cleanup and restoration of Coast Guard facilities*
24 *in the Gulf of Mexico region; and of which up to \$470,000*
25 *may be transferred to “Research, Development, Test and*
26 *Evaluation” to be used for salvage and repair of research*

1 *and development equipment and facilities: Provided, That*
2 *the amounts provided under this heading are designated as*
3 *an emergency requirement pursuant to section 402 of H.*
4 *Con. Res. 95 (109th Congress), the concurrent resolution on*
5 *the budget for fiscal year 2006.*

6 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

7 *For an additional amount for “Acquisition, Construc-*
8 *tion, and Improvements” for necessary expenses related to*
9 *the consequences of Hurricane Katrina and other hurri-*
10 *canes of the 2005 season, \$191,844,000, to remain available*
11 *until expended: Provided, That such amounts shall be avail-*
12 *able for major repair and reconstruction projects for facili-*
13 *ties that were damaged and for damage to vessels currently*
14 *under construction, for the replacement of damaged equip-*
15 *ment, and for the reimbursement of delay, loss of efficiency,*
16 *disruption, and related costs: Provided further, That*
17 *amounts provided are also for equitable adjustments and*
18 *provisional payments to contracts for Coast Guard vessels*
19 *for which funds have been previously appropriated: Pro-*
20 *vided further, That the amount provided under this heading*
21 *is designated as an emergency requirement pursuant to sec-*
22 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
23 *rent resolution on the budget for fiscal year 2006.*

1 *FEDERAL EMERGENCY MANAGEMENT AGENCY*2 *ADMINISTRATIVE AND REGIONAL OPERATIONS*

3 *For an additional amount for “Administrative and*
4 *Regional Operations” for necessary expenses related to the*
5 *consequences of Hurricane Katrina and other hurricanes of*
6 *the 2005 season, \$71,800,000, to remain available until ex-*
7 *pended: Provided, That the amount provided under this*
8 *heading is designated as an emergency requirement pursu-*
9 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
10 *concurrent resolution on the budget for fiscal year 2006.*

11 *PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY*

12 *For an additional amount for “Preparedness, Mitiga-*
13 *tion, Response, and Recovery” for necessary expenses re-*
14 *lated to the consequences of Hurricane Katrina and other*
15 *hurricanes of the 2005 season, \$10,000,000, to remain*
16 *available until expended: Provided, That the amount pro-*
17 *vided under this heading is designated as an emergency re-*
18 *quirement pursuant to section 402 of H. Con. Res. 95*
19 *(109th Congress), the concurrent resolution on the budget*
20 *for fiscal year 2006.*

21 *DISASTER RELIEF*

22 *For an additional amount for “Disaster Relief” for*
23 *necessary expenses under the Robert T. Stafford Disaster*
24 *Relief and Emergency Assistance Act (42 U.S.C. 5121 et*
25 *seq.), \$10,400,000,000, to remain available until expended:*
26 *Provided, That for States in which the President declared*

1 *a major disaster (as that term is defined in section 102*
2 *of the Robert T. Stafford Disaster Relief and Emergency*
3 *Assistance Act (42 U.S.C. 5122)) on September 24, 2005,*
4 *as a result of Hurricane Rita, each county or parish eligible*
5 *for individual and public assistance under such declaration*
6 *in such States will be treated equally for purposes of cost-*
7 *share adjustments under such Act, to account for the impact*
8 *in those counties and parishes of Hurricanes Rita and*
9 *Katrina: Provided further, That the amount provided under*
10 *this heading is designated as an emergency requirement*
11 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
12 *gress), the concurrent resolution on the budget for fiscal year*
13 *2006: Provided further, That any charter school, as that*
14 *term is defined in section 5210 of the Elementary and Sec-*
15 *ondary Education Act of 1965 (20 U.S.C. 722(i)), regard-*
16 *less of whether the facility of such charter school is privately*
17 *or publicly owned, shall be considered for reimbursement*
18 *for damages incurred to public schools due to the effects of*
19 *Hurricane Katrina or Hurricane Rita: Provided further,*
20 *That if the facility that houses the charter school is pri-*
21 *vately owned, then such facility shall reimburse FEMA for*
22 *any improvements or repairs made to the facility that*
23 *would not otherwise have been reimbursed by FEMA but*
24 *for the existence of the charter school, if such charter school*
25 *vacates such facility before the end of 5 years following com-*

1 *pletion of construction and approved inspection by a gov-*
2 *ernment entity, unless it is replaced by another charter*
3 *school during that 5-year period.*

4 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

5 *For an additional amount for “Disaster Assistance Di-*
6 *rect Loan Program Account” for the cost of direct loans*
7 *as authorized under section 417 of the Robert T. Stafford*
8 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
9 *5184), \$301,000,000, to be used to assist local governments*
10 *affected by Hurricane Katrina and other hurricanes of the*
11 *2005 season in providing essential services, of which*
12 *\$1,000,000 is for administrative expenses to carry out the*
13 *direct loan program: Provided, That such funds may be*
14 *made to subsidize gross obligations for the principal*
15 *amount of direct loans not to exceed \$400,000,000: Provided*
16 *further, That notwithstanding section 417(b) of such Act,*
17 *the amount of any such loan issued pursuant to this section*
18 *may exceed \$5,000,000, and may be equal to not more than*
19 *50 percent of the annual operating budget of the local gov-*
20 *ernment in any case in which that local government has*
21 *suffered a loss of 25 percent or more in tax revenues due*
22 *to Hurricane Katrina or Hurricane Rita of 2005: Provided*
23 *further, That notwithstanding section 417(c)(1) of such Act,*
24 *such loans may not be canceled: Provided further, That the*
25 *cost of modifying such loans shall be as defined in section*
26 *502 of the Congressional Budget Act of 1974 (2 U.S.C.*

1 661a): *Provided further, That the amounts provided under*
 2 *this heading are designated as an emergency requirement*
 3 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
 4 *gress), the concurrent resolution on the budget for fiscal year*
 5 *2006.*

6 *GENERAL PROVISIONS—THIS CHAPTER*

7 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

8 *SEC. 2501. The Federal Emergency Management Agen-*
 9 *cy may provide funds to a State or local government or,*
 10 *as necessary, assume an existing agreement from such unit*
 11 *of government, to pay for utility costs resulting from the*
 12 *provision of temporary housing units to evacuees from Hur-*
 13 *ricane Katrina and other hurricanes of the 2005 season if*
 14 *the State or local government has previously arranged to*
 15 *pay for such utilities on behalf of the evacuees for the term*
 16 *of any leases, not to exceed 12 months, contracted by or*
 17 *prior to February 7, 2006: Provided, That the Federal share*
 18 *of the costs eligible to be paid shall be 100 percent.*

19 *NATIONAL FLOOD INSURANCE FUND*

20 *SEC. 2502. (a) Title III of Public Law 109–90 (119*
 21 *Stat. 2079) is amended under the heading “National Flood*
 22 *Insurance Fund” by striking in the proviso “\$30,000,000”*
 23 *and inserting “such sums as necessary, not to exceed*
 24 *\$1,000,000,000.”.*

25 *(b) The provisions of this section are designated as an*
 26 *emergency requirement pursuant to section 402 of H. Con.*

1 *Res. 95 (109th Congress), the concurrent resolution on the*
2 *budget for fiscal year 2006.*

3 *HOUSING PILOT PROGRAM*

4 *SEC. 2503. Notwithstanding any other provision of*
5 *law, the Secretary of Homeland Security shall consider eli-*
6 *gible under the Federal Emergency Management Agency In-*
7 *dividual Assistance Program the costs sufficient for alter-*
8 *native housing pilot programs in the areas hardest hit by*
9 *Hurricane Katrina and other hurricanes of the 2005 sea-*
10 *son: Provided, That the Secretary of Homeland Security*
11 *shall submit for approval a proposal and an expenditure*
12 *plan for the alternative housing pilot program to the Com-*
13 *mittees on Appropriations of the Senate and House of Rep-*
14 *resentatives within forty-five days from the date of enact-*
15 *ment of this Act: Provided further, That no State shall host*
16 *more than one alternative housing pilot program.*

17 *CHAPTER 6*

18 *DEPARTMENT OF THE INTERIOR*

19 *UNITED STATES FISH AND WILDLIFE SERVICE*

20 *CONSTRUCTION*

21 *For an additional amount for “Construction” for nec-*
22 *essary expenses related to the consequences of Hurricane*
23 *Katrina and other hurricanes of the 2005 season,*
24 *\$132,400,000, to remain available until expended: Pro-*
25 *vided, That the amount provided under this heading is des-*
26 *ignated as an emergency requirement pursuant to section*

1 402 of H. Con. Res. 95 (109th Congress), the concurrent
2 resolution on the budget for fiscal year 2006.

3 NATIONAL PARK SERVICE

4 HISTORIC PRESERVATION FUND

5 For an additional amount for “Historic Preservation
6 Fund” for necessary expenses related to the consequences of
7 Hurricane Katrina and other hurricanes of the 2005 sea-
8 son, \$83,000,000, to remain available until expended: Pro-
9 vided, That of the funds provided under this heading,
10 \$80,000,000 shall be provided to State historical preserva-
11 tion officers for grants for disaster relief in areas of Lou-
12 isiana, Mississippi, and Alabama impacted by Hurricanes
13 Katrina or Rita: Provided further, That grants shall be for
14 the preservation, stabilization, rehabilitation, and repair of
15 historic houses and designated “Main Street” commercial
16 properties listed in or eligible for the National Register of
17 Historic Places, for planning and technical assistance: Pro-
18 vided further, That grants shall only be available for areas
19 that the President determines to be a major disaster under
20 section 102(2) of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hur-
22 ricanes Katrina or Rita: Provided further, That individual
23 grants shall not be subject to a non-Federal matching re-
24 quirement: Provided further, That no more than 5 percent
25 of funds provided under this heading for disaster relief

1 *grants may be used for administrative expenses: Provided*
2 *further, That of the amount provided under this heading*
3 *for disaster relief grants, \$37,500,000 shall be for the State*
4 *of Louisiana, \$37,500,000 shall be for the State of Mis-*
5 *sissippi, and \$5,000,000 shall be for the State of Alabama:*
6 *Provided further, That the amounts provided under this*
7 *heading are designated as an emergency requirement pursu-*
8 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
9 *concurrent resolution on the budget for fiscal year 2006.*

10 *CONSTRUCTION*

11 *For an additional amount for “Construction” for nec-*
12 *essary expenses related to the consequences of Hurricane*
13 *Katrina and other hurricanes of the 2005 season,*
14 *\$55,400,000, to remain available until expended: Provided,*
15 *That the amount provided under this heading is designated*
16 *as an emergency requirement pursuant to section 402 of*
17 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
18 *on the budget for fiscal year 2006.*

19 *UNITED STATES GEOLOGICAL SURVEY*

20 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

21 *For an additional amount for “Surveys, Investiga-*
22 *tions, and Research” for necessary expenses related to the*
23 *consequences of Hurricane Katrina and other hurricanes of*
24 *the 2005 season and for repayment of advances to other ap-*
25 *propriation accounts from which funds were transferred for*
26 *such purposes, \$10,200,000, to remain available until ex-*

1 *pending: Provided, That the amount provided under this*
2 *heading is designated as an emergency requirement pursu-*
3 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
4 *concurrent resolution on the budget for fiscal year 2006.*

5 *MINERALS MANAGEMENT SERVICE*

6 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

7 *For an additional amount for “Royalty and Offshore*
8 *Minerals Management” for necessary expenses related to the*
9 *consequences of Hurricane Katrina and other hurricanes of*
10 *the 2005 season and for repayment of advances to other ap-*
11 *propriation accounts from which funds were transferred for*
12 *such purposes, \$15,000,000, to remain available until Sep-*
13 *tember 30, 2007: Provided, That the amount provided under*
14 *this heading is designated as an emergency requirement*
15 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
16 *gress), the concurrent resolution on the budget for fiscal year*
17 *2006.*

18 *ENVIRONMENTAL PROTECTION AGENCY*

19 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

20 *For an additional amount for “Environmental Pro-*
21 *grams and Management” for necessary expenses related to*
22 *the consequences of Hurricane Katrina and other hurri-*
23 *canes of the 2005 season, \$6,000,000, to remain available*
24 *until September 30, 2007: Provided, That the amount pro-*
25 *vided under this heading is designated as an emergency re-*

1 *quirement pursuant to section 402 of H. Con. Res. 95*
2 *(109th Congress), the concurrent resolution on the budget*
3 *for fiscal year 2006.*

4 *LEAKING UNDERGROUND STORAGE TANK PROGRAM*

5 *For an additional amount for “Leaking Underground*
6 *Storage Tank Program” for necessary expenses related to*
7 *the consequences of Hurricane Katrina and other hurri-*
8 *canes of the 2005 season, \$7,000,000, to remain available*
9 *until September 30, 2007: Provided, That the amount pro-*
10 *vided under this heading is designated as an emergency re-*
11 *quirement pursuant to section 402 of H. Con. Res. 95*
12 *(109th Congress), the concurrent resolution on the budget*
13 *for fiscal year 2006.*

14 *DEPARTMENT OF AGRICULTURE*

15 *FOREST SERVICE*

16 *NATIONAL FOREST SYSTEM*

17 *For an additional amount for the “National Forest*
18 *System” for necessary expenses, \$50,000,000, to remain*
19 *available until expended: Provided, That the amount pro-*
20 *vided under this heading is designated as an emergency re-*
21 *quirement pursuant to section 402 of H. Con. Res. 95*
22 *(109th Congress), the concurrent resolution on the budget*
23 *for fiscal year 2006.*

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CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for “Training and Employment Services”, \$32,500,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, for construction, rehabilitation, and acquisition of Job Corps centers as authorized by the Workforce Investment Act of 1998: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENTAL MANAGEMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$2,000,000, 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 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

1 *OFFICE OF THE SECRETARY*2 *OFFICE OF INSPECTOR GENERAL*

3 *For an additional amount for “Office of Inspector*
4 *General” for necessary expenses related to the consequences*
5 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
6 *son, \$2,669,846, to remain available until September 30,*
7 *2007: Provided, That the amount provided under this head-*
8 *ing is designated as an emergency requirement pursuant*
9 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
10 *current resolution on the budget for fiscal year 2006.*

11 *DEPARTMENT OF EDUCATION*12 *DEPARTMENTAL MANAGEMENT*13 *OFFICE OF THE INSPECTOR GENERAL*

14 *For an additional amount for “Office of the Inspector*
15 *General”, \$1,500,000, to remain available until September*
16 *30, 2007, for necessary expenses related to the consequences*
17 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
18 *son: Provided, That the amount provided under this head-*
19 *ing is designated as an emergency requirement pursuant*
20 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
21 *current resolution on the budget for fiscal year 2006.*

22 *HURRICANE EDUCATION RECOVERY*

23 *For an additional amount under the heading “Depart-*
24 *ment of Education” in Public Law 109–148 for carrying*
25 *out section 107 of title IV, division B of that Act,*
26 *\$300,000,000, for necessary expenses related to the con-*

1 *sequences of Hurricane Katrina and other hurricanes of the*
2 *2005 season: Provided, That an additional \$350,000,000*
3 *shall be available to the Department of Education, until*
4 *December 31, 2006, for part A of title V of the Elementary*
5 *and Secondary Education Act of 1965 (“ESEA”) for allo-*
6 *cations to States for necessary expenses in the 2006–2007*
7 *academic year related to the consequences of Hurricanes*
8 *Katrina and Rita: Provided further, That, notwithstanding*
9 *the allotment formula described in section 5111 of the*
10 *ESEA, funds made available in the preceding proviso shall*
11 *be allocated to each eligible State educational agency on the*
12 *basis of its relative share of displaced students (as that term*
13 *is defined in section 107(b)(1) of title IV of division B of*
14 *Public Law 109–148) enrolled on October 1, 2006, provided*
15 *that the number of displaced students enrolled in public and*
16 *private elementary schools and secondary schools in the*
17 *State is not less than 1 percent of the total fourth quarter*
18 *displaced student enrollment count of the 2005–2006 aca-*
19 *demic year: Provided further, That, notwithstanding the al-*
20 *location formula described in section 5112 of the ESEA,*
21 *each State educational agency shall make 100 percent of*
22 *funds available under such proviso to local educational*
23 *agencies on the basis of each local educational agency’s rel-*
24 *ative share of displaced students on October 1, 2006: Pro-*
25 *vided further, That such local educational agencies shall use*

1 *such funds in accordance with sections 5131 and 5142 of*
2 *the ESEA: Provided further, that the amount provided*
3 *under this heading is designated as an emergency require-*
4 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
5 *Congress), the concurrent resolution on the budget for fiscal*
6 *year 2006.*

7 *For the principal amount of direct loans, as authorized*
8 *under section 2701 of title II of this Act, made not later*
9 *than 60 days after the enactment of this Act for necessary*
10 *expenses related to the consequences of Hurricane Katrina*
11 *and other hurricanes of the 2005 season, \$300,000,000.*

12 *For the cost of direct loans, including the cost of modi-*
13 *fying loans as defined in section 502 of the Congressional*
14 *Budget Act of 1974, \$200,000,000, to remain available until*
15 *expended: Provided, That the amount provided under this*
16 *heading is designated as an emergency requirement pursu-*
17 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
18 *concurrent resolution on the budget for fiscal year 2006.*

19 *Hereafter, the loan level established under this heading*
20 *shall be considered an estimate, not a limitation.*

21 *For an additional amount under part B of title VII*
22 *of the Higher Education Act of 1965 for institutions of*
23 *higher education (as defined in section 102 of that Act) that*
24 *are located in an area in which a major disaster has been*
25 *declared in accordance with section 401 of the Robert T.*

1 *Stafford Disaster Relief and emergency Assistance Act re-*
2 *lated to hurricanes in the Gulf of Mexico in calendar year*
3 *2005, \$30,000,000 for hurricane related costs: Provided,*
4 *That the amount provided under this heading is designated*
5 *as an emergency requirement pursuant to section 402 of*
6 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
7 *on the budget for fiscal year 2006.*

8

RELATED AGENCIES

9

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

10

NATIONAL AND COMMUNITY SERVICE PROGRAMS,

11

OPERATING EXPENSES

12

(INCLUDING TRANSFER OF FUNDS)

13

14 *For an additional amount for the Corporation for Na-*
15 *tional and Community Service (the “Corporation”) for nec-*
16 *essary expenses related to the consequences of Hurricane*
17 *Katrina and other hurricanes of the 2005 season,*
18 *\$20,000,000, to remain available until September 30, 2007:*
19 *Provided, That the funds made available under this heading*
20 *shall be available for the Civilian Community Corps au-*
21 *thorized under subtitle E of title I of the National and Com-*
22 *munity Service Act of 1990 (the “Act”) (42 U.S.C. 12611*
23 *et seq.): Provided further, That the Corporation may trans-*
24 *fer funds from the amount provided under the first proviso*
25 *of title I of the Act (42 U.S.C. 12601) upon determination*
26 *that such transfer is necessary to support the activities of*

1 *Civilian Community Corps participants and after notice*
 2 *is transmitted to Congress: Provided further, That the*
 3 *amount provided under this heading is designated as an*
 4 *emergency requirement pursuant to section 402 of H. Con.*
 5 *Res. 95 (109th Congress), the concurrent resolution on the*
 6 *budget for fiscal year 2006.*

7 *SOCIAL SECURITY ADMINISTRATION*

8 *OFFICE OF INSPECTOR GENERAL*

9 *For an additional amount for “Office of Inspector*
 10 *General”, \$277,000, to remain available until September*
 11 *30, 2007, for necessary expenses related to the consequences*
 12 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
 13 *son: Provided, That the amount provided under this head-*
 14 *ing is designated as an emergency requirement pursuant*
 15 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
 16 *current resolution on the budget for fiscal year 2006.*

17 *GENERAL PROVISIONS—THIS CHAPTER*

18 *DEPARTMENT OF EDUCATION—HURRICANE EDUCATION*

19 *RECOVERY*

20 *SEC. 2701. (a) AUTHORIZATION OF PROGRAM.—The*
 21 *Secretary of Education shall establish an Education Relief*
 22 *Loan Program that includes amounts appropriated under*
 23 *chapter 7 of title II of this Act and provides from such*
 24 *amounts funds for long-term, low-interest direct loans to eli-*
 25 *gible postsecondary educational institutions for direct or in-*

1 *direct losses incurred on or after August 28, 2005, resulting*
2 *from the impact of Hurricanes Katrina and Rita, and re-*
3 *covery initiatives of such institutions.*

4 (b) *ELIGIBILITY.*—*In this section, the term “eligible*
5 *postsecondary educational institution” means—*

6 (1) *a public postsecondary educational institu-*
7 *tion that was forced to suspend operations due to the*
8 *impact of Hurricanes Katrina and Rita and has not*
9 *been able to reopen in existing facilities or fully re-*
10 *open to the levels that existed before the impact of*
11 *such hurricanes;*

12 (2) *a private, nonprofit postsecondary edu-*
13 *cational institution that was forced to suspend oper-*
14 *ations due to the impact of such hurricanes and has*
15 *not been able to reopen in existing facilities or fully*
16 *reopen to the levels that existed before the impact of*
17 *such hurricanes; or*

18 (3) *a public or private school of medicine that*
19 *was forced to suspend operations due to the impact of*
20 *such hurricanes and has not been able to reopen in*
21 *existing facilities or fully reopen to the levels that ex-*
22 *isted before the impact of such hurricanes.*

23 (c) *REQUIREMENTS FOR ASSISTANCE DUE TO*
24 *LOSSES.*—

1 (1) *IN GENERAL.*—*An eligible postsecondary edu-*
2 *catational institution that desires to receive assistance*
3 *under this section shall—*

4 (A) *submit a sworn financial statement and*
5 *other appropriate data, documentation, or other*
6 *evidence requested by the Secretary of Education*
7 *that indicates that the institution incurred losses*
8 *resulting from the impact of Hurricanes Katrina*
9 *and Rita and the monetary amount of such*
10 *losses;*

11 (B) *demonstrate that the institution at-*
12 *tempted to minimize the cost of any losses by*
13 *pursuing collateral source compensation from the*
14 *Federal Emergency Management Agency, the*
15 *Small Business Administration, and insurance*
16 *prior to seeking assistance under this section;*
17 *and*

18 (C) *demonstrate that the institution has not*
19 *been able to reopen in existing facilities or fully*
20 *reopen to the levels that existed before the impact*
21 *of such hurricanes.*

22 (2) *NO REQUIREMENT THAT INSTITUTION RE-*
23 *CEIVE COLLATERAL SOURCE COMPENSATION.*—*An eli-*
24 *gible postsecondary educational institution shall be eli-*
25 *gible for a loan under this section regardless of*

1 *whether or not such institution received collateral*
2 *source compensation from the Federal Emergency*
3 *Management Agency, the Small Business Administra-*
4 *tion, or insurance.*

5 *(d) USE OF ASSISTANCE.—Assistance received by an*
6 *eligible postsecondary educational institution pursuant to*
7 *this section may be used for—*

8 *(1) direct and indirect construction cost and*
9 *clean-up resulting from Hurricanes Katrina and*
10 *Rita;*

11 *(2) faculty salaries and incentives for retaining*
12 *faculty; and*

13 *(3) costs of lost tuition, revenue, and enrollment.*

14 *(e) AUDIT.—The Secretary of Education and the*
15 *Comptroller General of the United States may audit a state-*
16 *ment submitted under subsection (c)(1)(A) and may request*
17 *any information that the Secretary of Education and*
18 *Comptroller General determine necessary to conduct such*
19 *an audit.*

20 *(f) REDUCTION IN ASSISTANCE.—In calculating assist-*
21 *ance to eligible postsecondary educational institutions*
22 *under this section, the Secretary of Education shall cal-*
23 *culate a figure that reduces from the monetary amount of*
24 *losses incurred by such institution, only the amount of col-*
25 *lateral source compensation the institution has already re-*

1 *ceived from insurance, the Federal Emergency Management*
 2 *Agency, and the Small Business Administration.*

3 (g) *REGULATIONS.—Not later than 30 days after the*
 4 *date of enactment of this section, the Secretary of Education*
 5 *shall establish terms for the long-term, low-interest direct*
 6 *loan program and procedures for an application for assist-*
 7 *ance under this section and minimum requirements for the*
 8 *program and for receiving assistance under this section, in-*
 9 *cluding the following:*

10 (1) *Forms to be used in submitting request for*
 11 *assistance.*

12 (2) *Procedures to assist in filing and pursuing as-*
 13 *sistance.*

14 (3) *Loan repayment and interest rate procedures*
 15 *and requirements, as specified by the Secretary of*
 16 *Education and in accordance with the published rule*
 17 *of October 18, 2005 (44 C.F.R. 206.370–377), imple-*
 18 *menting the Community Disaster Loan Act of 2005*
 19 *(Public Law 109–88).*

20 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*
 21 *FINANCING PROGRAM*

22 *SEC. 2702. (a) In this section:*

23 (1) *The term “affected institution” means an in-*
 24 *stitution of higher education that is—*

1 (A) a part B institution, as such term is
2 defined in section 322 of the Higher Education
3 Act of 1965 (20 U.S.C. 1061); and

4 (B) located in an area affected by a Gulf
5 hurricane disaster.

6 (2) The terms “area affected by a Gulf hurricane
7 disaster” and “Gulf hurricane disaster” have the
8 meanings given such terms in section 209 of the
9 Higher Education Hurricane Relief Act of 2005
10 (Public Law 109–148, 119 Stat. 2809).

11 (b) Notwithstanding any other provision of law (unless
12 enacted with specific reference to this section), the Secretary
13 of Education is authorized to waive or modify, as the Sec-
14 retary determines is necessary, any statutory or regulatory
15 provision related to historically Black college and univer-
16 sity capital financing under part D of title III of the High-
17 er Education Act of 1965 (20 U.S.C. 1066 et seq.), in con-
18 nection with a Gulf hurricane disaster, to ensure that—

19 (1) the calculation of financing need under sec-
20 tion 343 of such Act (20 U.S.C. 1066b) for an affected
21 institution is modified to reflect any changes in the
22 financial condition of the institution as a result of the
23 Gulf hurricane disaster; and

24 (2) an affected institution that was not receiving
25 assistance under such part before the Gulf hurricane

1 *disaster is eligible to apply for capital financing to*
2 *assist in institutional recovery from the Gulf hurri-*
3 *cane disaster.*

4 *(c)(1) Notwithstanding section 343(b)(1) or any other*
5 *provision of title III of the Higher Education Act of 1965*
6 *(20 U.S.C. 1066b(b)(1), 1051 et seq.), in carrying out sec-*
7 *tion 343 of such Act, a designated bonding authority shall*
8 *withhold not more than 1 percent for the cost of issuance*
9 *from the proceeds of qualified bonds that are loaned to an*
10 *affected institution.*

11 *(2) Notwithstanding section 343(b)(3) or any other*
12 *provision of title III of the Higher Education Act of 1965*
13 *(20 U.S.C. 1066b(b)(3), 1051 et seq.), the interest rate*
14 *charged for a loan issued under part D of title III of such*
15 *Act, after the date of enactment of this Act and with respect*
16 *to an affected institution, shall be a rate of 1 percent for*
17 *the period of the loan.*

18 *(3) Notwithstanding any other provision of title III*
19 *of the Higher Education Act of 1965 (20 U.S.C. 1051 et*
20 *seq.), the requirements of section 343(b)(8) and 343(c)(2)*
21 *of such Act (20 U.S.C. 1066(b)(8)) shall not apply with re-*
22 *spect to an affected institution receiving a loan under part*
23 *D of title III of such Act (20 U.S.C. 1066 et seq.).*

24 *(d) Notwithstanding any provision of title III of the*
25 *Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or*

1 *any regulation promulgated under such title, the Secretary*
2 *of Education shall grant a deferment, for a period of not*
3 *more than 3 years, to an affected institution who has re-*
4 *ceived a loan under part D of title III of such Act (20*
5 *U.S.C. 1066 et seq.). During the deferment period granted*
6 *under this subsection, the affected institution shall not be*
7 *required to pay any periodic installment of principal re-*
8 *quired under the loan agreement for such loan, and interest*
9 *on such loan shall not accrue for the period of the deferment.*

10 *(e)(1) Except as provided in paragraph (2), the au-*
11 *thority provided under this section to enter into, or modify*
12 *or waive the terms of, a loan agreement or insurance agree-*
13 *ment under part D of title III of the Higher Education*
14 *Act of 1965 (20 U.S.C. 1066 et seq.), or to grant a loan*
15 *deferment under subsection (d), shall terminate 1 year after*
16 *the date of enactment of this Act.*

17 *(2) Any provision of a loan agreement or insurance*
18 *agreement modified or waived by the authority under this*
19 *section shall remain so modified or waived for the duration*
20 *of the period covered by the loan agreement or insurance*
21 *agreement.*

22 *(f) The amount provided in this section is designated*
23 *as an emergency requirement pursuant to section 402 of*
24 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
25 *on the budget for fiscal year 2006.*

1 *USE OF SUPPLEMENTAL HIGHER EDUCATION ACT FUNDS*

2 *SEC. 2703. Funds available to the Mississippi Insti-*
3 *tutes of Higher Learning under the heading “Department*
4 *of Education” in Public Law 109–148 may be used to sup-*
5 *port activities authorized by part B of title VII of the High-*
6 *er Education Act of 1965, as determined necessary by the*
7 *Mississippi Institutes of Higher Learning: Provided, That*
8 *the amount provided under this section is designated as an*
9 *emergency requirement pursuant to section 402 of H. Con.*
10 *Res. 95 (109th Congress), the concurrent resolution on the*
11 *budget for fiscal year 2006.*

12 *SOCIAL SECURITY ADMINISTRATION*13 *(TRANSFER OF FUNDS)*

14 *SEC. 2704. Of the funds made available under the*
15 *heading “Disaster Relief” under the heading “Federal*
16 *Emergency Management Agency” in chapter 5 of this title,*
17 *\$38,000,000 is hereby transferred to the Social Security Ad-*
18 *ministration for necessary expenses and direct or indirect*
19 *losses related to the consequences of Hurricane Katrina and*
20 *other hurricanes of the 2005 season: Provided, That the*
21 *amount transferred by this section is designated as an*
22 *emergency requirement pursuant to section 402 of H. Con.*
23 *Res. 95 (109th Congress), the concurrent resolution on the*
24 *budget for fiscal year 2006.*

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CHAPTER 8

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for “Military Construction, Navy” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$44,770,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for 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 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$103,500,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for 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-

1 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
2 *rent resolution on the budget for fiscal year 2006.*

3 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

4 *For an additional amount for “Military Construction,*
5 *Army National Guard” for necessary expenses related to the*
6 *consequences of Hurricane Katrina and other hurricanes of*
7 *the 2005 season, \$210,071,000, to remain available until*
8 *September 30, 2010: Provided, That such funds may be obli-*
9 *gated or expended for planning and design and military*
10 *construction projects not otherwise authorized by law: Pro-*
11 *vided further, That the amount provided under this heading*
12 *is designated as an emergency requirement pursuant to sec-*
13 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
14 *rent resolution on the budget for fiscal year 2006: Provided*
15 *further, That the amount appropriated under this heading*
16 *in the Emergency Supplemental Appropriations Act to Ad-*
17 *dress Hurricanes in the Gulf of Mexico and Pandemic In-*
18 *fluenza, 2006 (division B, Public Law 109–148) shall re-*
19 *main available until September 30, 2010.*

20 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

21 *For an additional amount for “Military Construction,*
22 *Air National Guard” for necessary expenses related to the*
23 *consequences of Hurricane Katrina and other hurricanes of*
24 *the 2005 season, \$5,800,000, to remain available until Sep-*
25 *tember 30, 2010: Provided, That such funds may be obli-*

1 *gated or expended for planning and design and military*
2 *construction projects not otherwise authorized by law: Pro-*
3 *vided further, That the amount provided under this heading*
4 *is designated as an emergency requirement pursuant to sec-*
5 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
6 *rent resolution on the budget for fiscal year 2006.*

7 *MILITARY CONSTRUCTION, NAVAL RESERVE*

8 *(INCLUDING RESCISSION OF FUNDS)*

9 *For an additional amount for “Military Construction,*
10 *Naval Reserve” for necessary expenses related to the con-*
11 *sequences of Hurricane Katrina and other hurricanes of the*
12 *2005 season, \$24,270,000, to remain available until Sep-*
13 *tember 30, 2010: Provided, That such funds may be obli-*
14 *gated or expended for planning and design and military*
15 *construction projects not otherwise authorized by law: Pro-*
16 *vided further, That the amount provided under this heading*
17 *is designated as an emergency requirement pursuant to sec-*
18 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
19 *rent resolution on the budget for fiscal year 2006: Provided*
20 *further, That the amount appropriated under this heading*
21 *in the Emergency Supplemental Appropriations Act to Ad-*
22 *dress Hurricanes in the Gulf of Mexico and Pandemic In-*
23 *fluenza, 2006 (division B, Public Law 109–148) shall re-*
24 *main available until September 30, 2010, except that, of*
25 *such amount \$49,530,000 are rescinded.*

1 *DEPARTMENT OF VETERANS AFFAIRS*2 *DEPARTMENTAL ADMINISTRATION*3 *CONSTRUCTION, MAJOR PROJECTS*

4 *For an additional amount for “Construction, Major*
5 *Projects” for necessary expenses related to the consequences*
6 *of Hurricane Katrina and other hurricanes of the 2005 sea-*
7 *son, \$623,000,000, to remain available until expended: Pro-*
8 *vided, That of that amount, \$12,000,000 may be available*
9 *for environmental cleanup and removal of debris from De-*
10 *partment of Veterans Affairs land in Gulfport, Mississippi:*
11 *Provided further, That of that amount, \$50,000,000 shall*
12 *be available for any purpose for which funds in the ‘Con-*
13 *struction, Major Projects’ account are available under law:*
14 *Provided further, That the amount provided under this*
15 *heading is designated as an emergency requirement pursu-*
16 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
17 *concurrent resolution on the budget for fiscal year 2006.*

18 *RELATED AGENCY*19 *ARMED FORCES RETIREMENT HOME*20 *MAJOR CONSTRUCTION*

21 *For an additional amount for “Major Construction”*
22 *for necessary expenses related to the consequences of Hurri-*
23 *cane Katrina and other hurricanes of the 2005 season,*
24 *\$176,000,000, to remain available until expended: Pro-*
25 *vided, That such funds may be obligated or expended for*

1 *planning and design and construction projects not other-*
2 *wise authorized by law: Provided further, That these funds*
3 *shall be used for the planning and design and construction*
4 *of a new Armed Forces Retirement Home in Gulfport, Mis-*
5 *sissippi: Provided further, That the amount provided under*
6 *this heading is designated as an emergency requirement*
7 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
8 *gress), the concurrent resolution on the budget for fiscal year*
9 *2006.*

10 *GENERAL PROVISIONS—THIS CHAPTER*

11 *MILITARY CONSTRUCTION*

12 *(WAIVER OF LIMITATION)*

13 *SEC. 2801. The limitation of Federal contribution es-*
14 *tablished under section 18236(b) of title 10 is hereby waived*
15 *for projects appropriated in this chapter.*

16 *DEPARTMENT OF VETERANS AFFAIRS*

17 *(INCLUDING RESCISSION AND TRANSFER OF FUNDS)*

18 *SEC. 2802. (a) Of the amounts made available in chap-*
19 *ter 7 of the title I of division B of Public Law 109–148,*
20 *“Department of Veterans Affairs”, “Veterans Health Ad-*
21 *ministration”, “Medical Services”, \$198,265,000 are hereby*
22 *rescinded.*

23 *(b) For an additional amount for “Department of Vet-*
24 *erans Affairs”, “Veterans Health Administration”, “Med-*
25 *ical Services”, \$198,265,000, to remain available until ex-*

1 *pending, for necessary expenses related to the consequences*
2 *of hurricanes in the Gulf of Mexico in calendar year 2005.*

3 *(c) The funds made available in subsection (b) may*
4 *be transferred to the “Department of Veterans Affairs”,*
5 *“Veterans Health Administration”, “Medical Services”,*
6 *“Medical Administration”, “Medical Facilities”, “Depart-*
7 *mental Administration”, “Construction, Minor Projects”,*
8 *and “Information Technology Systems” accounts as re-*
9 *quired.*

10 *(d) Not less than 15 days prior to making any such*
11 *transfer as authorized under subsection (c), the Department*
12 *shall notify the Committees on Appropriations of both*
13 *Houses of Congress.*

14 *(e) This section is designated as an emergency require-*
15 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
16 *Congress), the concurrent resolution on the budget for fiscal*
17 *year 2006.*

18 *DEPARTMENT OF VETERANS AFFAIRS*

19 *LAND TRANSFER*

20 *SEC. 2803. Notwithstanding any other provision of*
21 *law, within six months of enactment of this Act, the Sec-*
22 *retary of Veterans Affairs is authorized and directed to*
23 *cleanup and transfer all land parcels of the Department’s*
24 *land in Gulfport, Mississippi to the city of Gulfport, Mis-*
25 *issippi.*

1 *DEPARTMENT OF VETERANS AFFAIRS*2 *NEW ORLEANS AND BILOXI MEDICAL FACILITIES*

3 *SEC. 2804. Notwithstanding any other provision of*
4 *law, and within the amounts appropriated for this purpose,*
5 *the Secretary of Veterans Affairs may obligate and expend*
6 *funds from the “Construction, Major Projects” appropria-*
7 *tion to purchase a site for and the new construction, res-*
8 *toration or replacement of the Department of Veterans Af-*
9 *fairs Medical Centers, New Orleans, Louisiana; and Biloxi,*
10 *Mississippi.*

11 *ARMED FORCES RETIREMENT HOME*12 *(TRANSFER OF FUNDS)*

13 *SEC. 2805. The following unobligated balances shall be*
14 *transferred to the Armed Forces Retirement Home “Major*
15 *Construction” account, to remain available until expended,*
16 *for the planning and design and construction of a new*
17 *Armed Forces Retirement Home in Gulfport, Mississippi*
18 *from amounts appropriated under the heading “Armed*
19 *Forces Retirement Home” in chapter 7 of division B of*
20 *Public Law 109–148 (119 Stat. 2769), \$45,000,000 pro-*
21 *vided for Armed Forces Retirement Home-Gulfport; and*
22 *unobligated balances of funds provided in fiscal years 1998*
23 *through 2004 for construction and renovation of the phys-*
24 *ical plants at the United States Naval Home/Armed Forces*
25 *Retirement Home-Gulfport: Provided, That the Navy, act-*
26 *ing through the Naval Facilities Engineering Command,*

1 *shall be the agent for all matters with regard to the plan-*
2 *ning, design, construction, and contract administration re-*
3 *lated to the construction of the new Armed Forces Retire-*
4 *ment Home: Provided further, That the amount provided*
5 *or otherwise made available under this section is designated*
6 *as an emergency requirement pursuant to section 402 of*
7 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
8 *on the budget for fiscal year 2006.*

9

CHAPTER 9

10

DEPARTMENT OF TRANSPORTATION

11

FEDERAL HIGHWAY ADMINISTRATION

12

FEDERAL-AID HIGHWAYS

13

EMERGENCY RELIEF PROGRAM

14

For an additional amount for “Emergency relief pro-

15 *gram” as authorized under 23 U.S.C. 125, \$594,000,000,*

16 *to remain available until expended, to be made available*

17 *to carry out projects eligible for reimbursement under 23*

18 *U.S.C. 125 not otherwise funded in other Appropriations*

19 *Acts and identified under “Total Backlog” in the Federal*

20 *Highway Administration table entitled “Emergency Relief*

21 *Program Fund Requests—updated 03/28/06” as well as*

22 *projects eligible for reimbursement resulting from 2006*

23 *flooding in the State of Hawaii: Provided, That notwith-*

24 *standing 23 U.S.C. 120(e), the Federal share for all projects*

25 *for repairs or reconstruction of highways, roads, bridges,*

26 *and trails to respond to damage caused by Hurricanes*

1 *Katrina, Rita, and Wilma shall be 100 percent: Provided*
2 *further, That notwithstanding 23 U.S.C. 125(d)(1), the Sec-*
3 *retary of Transportation may obligate more than*
4 *\$100,000,000 for such projects in a State in a fiscal year,*
5 *to respond to damage caused by Hurricanes Dennis,*
6 *Katrina, Rita, or Wilma and by the 2004–2005 winter*
7 *storms in the State of California: Provided further, That*
8 *any amounts in excess of those necessary for emergency ex-*
9 *penses relating to the eligible projects cited in the first sen-*
10 *tence of this paragraph may be used for other projects au-*
11 *thorized under 23 U.S.C. 125: Provided further, That the*
12 *amounts provided under this heading are designated as an*
13 *emergency requirement pursuant to section 402 of H. Con.*
14 *Res. 95 (109th Congress), the concurrent resolution on the*
15 *budget for fiscal year 2006.*

16 *FEDERAL TRANSIT ADMINISTRATION*

17 *EMERGENCY ASSISTANCE FOR PUBLIC TRANSPORTATION*

18 *For grants to State or local governmental entities di-*
19 *rectly affected by Hurricane Katrina for expenses related*
20 *to emergency response and recovery of public transportation*
21 *equipment, facilities and services, as determined by the Sec-*
22 *retary of Transportation, \$200,000,000, to remain available*
23 *until expended: Provided, That for recipients of assistance*
24 *under chapter 53 of title 49, United States Code, directly*
25 *affected by Hurricane Katrina, the Secretary may waive*

1 *the Federal matching share requirements for Federal transit*
2 *assistance programs under such chapter, including the Fed-*
3 *eral matching share requirements contained in existing*
4 *Federal assistance grant agreements: Provided further, That*
5 *the Secretary may allow such recipients to use such assist-*
6 *ance for operating assistance, notwithstanding the terms*
7 *and conditions contained in existing Federal assistance*
8 *grant agreements: Provided further, That the Secretary may*
9 *wave any other Federal transit assistance grant require-*
10 *ments under such chapter or sections 3037 and 3038 of the*
11 *Federal Transit Act of 1998, including those requirements*
12 *contained in existing Federal assistance grant agreements*
13 *to facilitate emergency response and recovery of public*
14 *transportation equipment, facilities and services by such re-*
15 *cipients: Provided further, That the authority of the Sec-*
16 *retary hereunder shall expire two years after the date of*
17 *enactment of this section, unless determined otherwise by*
18 *the Secretary for a compelling need: Provided further, That*
19 *the amount provided under this heading is designated as*
20 *an emergency requirement pursuant to section 402 of H.*
21 *Con. Res. 95 (109th Congress), the concurrent resolution on*
22 *the budget for fiscal year 2006.*

1 *FEDERAL RAILROAD ADMINISTRATION*2 *CAPITAL GRANTS FOR RAIL LINE RELOCATION PROJECTS*

3 *Notwithstanding any other provision of law, to enable*
4 *the Secretary of Transportation to make a grant under 49*
5 *U.S.C. 20154, for the purpose of facilitating the relocation*
6 *of a rail line that was destroyed or received significant*
7 *damage as the result of Hurricane Katrina and other hurri-*
8 *canes of the 2005 season, \$700,000,000, to remain available*
9 *until expended: Provided, That relocating a significant por-*
10 *tion of the rail traffic from a rail line destroyed or damaged*
11 *to an existing rail corridor or corridors inland, and thus*
12 *less vulnerable to damage by future hurricanes, and which*
13 *permits the abandonment and alternative use of significant*
14 *portions of the right-of-way of the rail line destroyed or*
15 *damaged in 2005, shall be a permissible relocation of said*
16 *rail line pursuant to 49 U.S.C. 20154: Provided further,*
17 *That paragraphs (2), (3), and (4) of subsection (c) of section*
18 *20154 and subsection (d) of section 20154 shall not apply*
19 *in the consideration of an application or award of a grant*
20 *under this provision: Provided further, That the amount*
21 *provided under this heading is designated as an emergency*
22 *requirement pursuant to section 402 of H. Con. Res. 95*
23 *(109th Congress), the concurrent resolution on the budget*
24 *for fiscal year 2006.*

1 *DEPARTMENT OF HOUSING AND URBAN*2 *DEVELOPMENT*3 *PUBLIC AND INDIAN HOUSING*4 *TENANT-BASED RENTAL ASSISTANCE*

5 *For an additional amount for “Tenant-Based Rental*
6 *Assistance” for tenant-based and project-based assistance*
7 *for households within the area declared a major disaster*
8 *under the Robert T. Stafford Disaster Relief and Emer-*
9 *gency Assistance Act (42 U.S.C. 5121 et seq.) related to the*
10 *consequences of Hurricane Katrina and other hurricanes of*
11 *the 2005 season, \$202,000,000, to remain available until*
12 *September 30, 2007, of which not to exceed \$5,000,000 is*
13 *for the administrative and related information technology*
14 *costs of the Department of Housing and Urban Develop-*
15 *ment: Provided, That such households shall be limited to*
16 *those identified under this heading in division B, Public*
17 *Law 109–148 and to those which, prior to Hurricane*
18 *Katrina or Rita, received assistance under section 236 or*
19 *under section 221(d)(3) pursuant to section 221(d)(5) of the*
20 *National Housing Act, or section 101 of the Housing and*
21 *Urban Development Act of 1965: Provided further, That,*
22 *except as otherwise provided, such funds shall be subject to*
23 *the terms and conditions of amounts provided under this*
24 *heading in division B, Public Law 109–148, except that*
25 *section 8(o)(7)(A) of the United States Housing Act of 1937*

1 *shall not apply to funds under such heading and under this*
2 *heading: Provided further, That no less than \$100,000,000*
3 *shall be made available as project-based assistance used to*
4 *support the reconstruction, rebuilding, and repair of as-*
5 *sisted housing that suffered the consequences of Hurricane*
6 *Katrina and other hurricanes of the 2005 season or new*
7 *structures supported under the low income tax credit pro-*
8 *gram: Provided further, That previously assisted HUD*
9 *project-based housing and residents of such housing shall*
10 *be accorded a preference in the use of such project-based*
11 *assistance, except that such funds shall be made available*
12 *for 4,500 project-based vouchers for supportive housing*
13 *units for persons with disabilities, as that term is defined*
14 *in section 422(2) of the McKinney-Vento Homeless Assist-*
15 *ance Act (42 U.S.C. 11382(2)), elderly families, or pre-*
16 *viously homeless individuals and families: Provided further,*
17 *That the limitation contained in section 8(o)(13)(B) of the*
18 *United States Housing Act of 1937 (42 U.S.C.*
19 *1437f(o)(13)(B)) shall not apply to such funds: Provided*
20 *further, That, notwithstanding any other provision of law,*
21 *after providing a first right of return to all households in*
22 *the St. Bernard, Orleans, Plaquemines, Jefferson, and St.*
23 *Tammany Parishes eligible for project-based housing assist-*
24 *ance under this heading and under this heading in division*
25 *B, Public Law 109–148, owners may then offer remaining*

1 *available dwelling units to city and parish employees from*
2 *those parishes for a period of not to exceed 12 months: Pro-*
3 *vided further, That the amounts provided under this head-*
4 *ing are designated as an emergency requirement pursuant*
5 *to section 402 of H. Con. Res. 95 (109th Congress), the con-*
6 *current resolution on the budget for fiscal year 2006.*

7 *COMMUNITY PLANNING AND DEVELOPMENT*

8 *COMMUNITY DEVELOPMENT FUND*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For an additional amount for the “Community devel-*
11 *opment fund”, for necessary expenses related to disaster re-*
12 *lief, long-term recovery, and restoration of infrastructure in*
13 *the most impacted and distressed areas related to the con-*
14 *sequences of Hurricane Katrina and other hurricanes of the*
15 *2005 season in States for which the President declared a*
16 *major disaster under title IV of the Robert T. Stafford Dis-*
17 *aster Relief and Emergency Assistance Act (42 U.S.C. 5121*
18 *et seq.) in conjunction with Hurricane Katrina and other*
19 *hurricanes of the 2005 season, \$5,200,000,000, to remain*
20 *available until expended, for activities authorized under*
21 *title I of the Housing and Community Development Act of*
22 *1974 (Public Law 93–383): Provided, That funds provided*
23 *under this heading shall be administered through an entity*
24 *or entities designated by the Governor of each State: Pro-*
25 *vided further, That such funds may not be used for activi-*
26 *ties reimbursable by or for which funds are made available*

1 *by the Federal Emergency Management Agency, the Small*
2 *Business Administration, or the Army Corps of Engineers:*
3 *Provided further, That funds allocated under this heading*
4 *shall not adversely affect the amount of any formula assist-*
5 *ance received by a State under this heading: Provided fur-*
6 *ther, That each State may use up to five percent of its allo-*
7 *cation for administrative costs: Provided further, That not*
8 *less than \$1,000,000,000 from funds made available on a*
9 *pro-rata basis according to the allocation made to each*
10 *State under this heading shall be used for repair, rehabilita-*
11 *tion, and reconstruction (including demolition, site clear-*
12 *ance and remediation) of the affordable rental housing stock*
13 *(including public and other HUD-assisted housing) in the*
14 *impacted areas: Provided further, That as long as*
15 *\$5,200,000,000 is provided under this heading no State*
16 *shall be allocated less than 3.5 percent of the amount pro-*
17 *vided under this heading: Provided further, That in admin-*
18 *istering the funds under this heading, the Secretary of*
19 *Housing and Urban Development may waive, or specify al-*
20 *ternative requirements for, any provision of any statute or*
21 *regulation that the Secretary administers in connection*
22 *with the obligation by the Secretary or the use by the recipi-*
23 *ent of these funds or guarantees (except for requirements*
24 *related to fair housing, nondiscrimination, labor standards,*
25 *and the environment), upon a request by the State that such*

1 *waiver is required to facilitate the use of such funds or*
2 *guarantees, and a finding by the Secretary that such waiver*
3 *would not be inconsistent with the overall purpose of the*
4 *statute: Provided further, That the Secretary may waive the*
5 *requirement that activities benefit persons of low and mod-*
6 *erate income, except that at least 50 percent of the funds*
7 *made available under this heading must benefit primarily*
8 *persons of low and moderate income unless the Secretary*
9 *otherwise makes a finding of compelling need: Provided fur-*
10 *ther, That the Secretary shall publish in the Federal Reg-*
11 *ister any waiver of any statute or regulation that the Sec-*
12 *retary administers pursuant to title I of the Housing and*
13 *Community Development Act of 1974 no later than 5 days*
14 *before the effective date of such waiver: Provided further,*
15 *That every waiver made by the Secretary must be reconsid-*
16 *ered according to the three previous provisos on the two-*
17 *year anniversary of the day the Secretary published the*
18 *waiver in the Federal Register: Provided further, That prior*
19 *to the obligation of funds each State shall submit a plan*
20 *to the Secretary detailing the proposed use of all funds, in-*
21 *cluding criteria for eligibility and how the use of these funds*
22 *will address long-term recovery and restoration of infra-*
23 *structure: Provided further, That prior to the obligation of*
24 *funds to each State, the Secretary shall ensure that such*
25 *plan gives priority to infrastructure development and reha-*

1 *bilitation and the rehabilitation and reconstruction of the*
2 *affordable rental housing stock including public and other*
3 *HUD-assisted housing: Provided further, That each State*
4 *will report quarterly to the Committees on Appropriations*
5 *on all awards and uses of funds made available under this*
6 *heading, including specifically identifying all awards of*
7 *sole-source contracts and the rationale for making the*
8 *award on a sole-source basis: Provided further, That the*
9 *Secretary shall notify the Committees on Appropriations on*
10 *any proposed allocation of any funds and any related waiv-*
11 *ers made pursuant to these provisions under this heading*
12 *no later than 5 days before such waiver is made: Provided*
13 *further, That the Secretary shall establish procedures to pre-*
14 *vent recipients from receiving any duplication of benefits*
15 *and report quarterly to the Committees on Appropriations*
16 *with regard to all steps taken to prevent fraud and abuse*
17 *of funds made available under this heading including du-*
18 *plication of benefits: Provided further, That of the amounts*
19 *made available under this heading, the Secretary shall*
20 *transfer \$12,000,000 to the Office of Inspector General for*
21 *costs associated with oversight: Provided further, That none*
22 *of the funds provided under this heading may be used by*
23 *a State or locality as a matching requirement, share, or*
24 *contribution for any other Federal program: Provided fur-*
25 *ther, That the amounts provided under this heading are des-*

1 *ignated as an emergency requirement pursuant to section*
2 *402 of H. Con. Res. 95 (109th Congress), the concurrent*
3 *resolution on the budget for fiscal year 2006.*

4 *INDEPENDENT AGENCIES*

5 *ELECTION ASSISTANCE COMMISSION*

6 *ELECTION ASSISTANCE*

7 *For purposes of making discretionary payments to*
8 *States affected by Hurricane Katrina and other hurricanes*
9 *during the 2005 season to restore and replace supplies, ma-*
10 *terials, records, equipment, and technology used in the ad-*
11 *ministration of Federal elections and to ensure the full par-*
12 *ticipation of individuals displaced by such hurricanes,*
13 *\$30,000,000: Provided, That any such funds shall be used*
14 *in a manner that is consistent with title III of the Help*
15 *America Vote Act of 2002: Provided further, That the*
16 *amount provided under this heading is designated as an*
17 *emergency requirement pursuant to section 402 of H. Con.*
18 *Res. 95 (109th Congress), the concurrent resolution on the*
19 *budget for fiscal year 2006.*

20 *GENERAL SERVICES ADMINISTRATION*

21 *FEDERAL BUILDINGS FUND*

22 *For an additional amount for the “Federal Buildings*
23 *Fund” for necessary expenses related to the consequences of*
24 *Hurricane Katrina and other hurricanes of the 2005 sea-*
25 *son, \$37,000,000, from the General Fund and to remain*

1 *available until expended: Provided, That notwithstanding*
 2 *40 U.S.C. 3307, the Administrator of General Services is*
 3 *authorized to proceed with repairs and alterations for af-*
 4 *ected buildings: Provided further, That the amount pro-*
 5 *vided under this heading is designated as an emergency re-*
 6 *quirement pursuant to section 402 of H. Con. Res. 95*
 7 *(109th Congress), the concurrent resolution on the budget*
 8 *for fiscal year 2006.*

9 *TITLE III*

10 *EMERGENCY AGRICULTURAL DISASTER*

11 *ASSISTANCE*

12 **SEC. 3001. SHORT TITLE.**

13 *This title may be cited as the “Emergency Agricultural*
 14 *Disaster Assistance Act of 2006”.*

15 **SEC. 3002. DEFINITIONS.**

16 *In this title:*

17 (1) *ADDITIONAL COVERAGE.*—*The term “addi-*
 18 *tional coverage” has the meaning given the term in*
 19 *section 502(b)(1) of the Federal Crop Insurance Act*
 20 *(7 U.S.C. 1502(b)(1)).*

21 (2) *DISASTER COUNTY.*—*The term “disaster*
 22 *county” means—*

23 (A) *a county included in the geographic*
 24 *area covered by a natural disaster declaration;*
 25 *and*

1 (B) each county contiguous to a county de-
2 scribed in subparagraph (A).

3 (3) *HURRICANE-AFFECTED COUNTY*.—The term
4 “hurricane-affected county” means—

5 (A) a county included in the geographic
6 area covered by a natural disaster declaration
7 related to Hurricane Katrina, Hurricane Rita,
8 Hurricane Wilma, or a related condition; and

9 (B) each county contiguous to a county de-
10 scribed in subparagraph (A).

11 (4) *INSURABLE COMMODITY*.—The term “insur-
12 able commodity” means an agricultural commodity
13 (excluding livestock) for which the producers on a
14 farm are eligible to obtain a policy or plan of insur-
15 ance under the Federal Crop Insurance Act (7 U.S.C.
16 1501 *et seq.*).

17 (5) *LIVESTOCK*.—The term “livestock”
18 includes—

19 (A) cattle (including dairy cattle);

20 (B) bison;

21 (C) sheep;

22 (D) swine; and

23 (E) other livestock, as determined by the
24 Secretary.

1 (6) *NATURAL DISASTER DECLARATION.*—*The*
2 *term “natural disaster declaration” means—*

3 (A) *a natural disaster declared by the*
4 *Secretary—*

5 (i) *during calendar year 2005 under*
6 *section 321(a) of the Consolidated Farm*
7 *and Rural Development Act (7 U.S.C.*
8 *1961(a)); or*

9 (ii) *during calendar year 2006 under*
10 *that section, but for which a request was*
11 *pending as of the date of enactment of this*
12 *Act; or*

13 (B) *a major disaster or emergency des-*
14 *ignated by the President—*

15 (i) *during calendar year 2005 under*
16 *the Robert T. Stafford Disaster Relief and*
17 *Emergency Assistance Act (42 U.S.C. 5121*
18 *et seq.); or*

19 (ii) *during calendar year 2006 under*
20 *that Act, but for which a request was pend-*
21 *ing as of the date of enactment of this Act.*

22 (7) *NONINSURABLE COMMODITY.*—*The term*
23 *“noninsurable commodity” means a crop for which*
24 *the producers on a farm are eligible to obtain assist-*

1 *ance under section 196 of the Federal Agriculture Im-*
2 *provement and Reform Act of 1996 (7 U.S.C. 7333).*

3 (8) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of Agriculture.*

5 ***Subtitle A—Agricultural***
6 ***Production Losses***

7 ***SEC. 3011. CROP DISASTER ASSISTANCE.***

8 (a) *IN GENERAL.*—*The Secretary shall use such sums*
9 *as are necessary of funds of the Commodity Credit Corpora-*
10 *tion to make emergency financial assistance authorized*
11 *under this section available to producers on a farm that*
12 *have incurred qualifying losses described in subsection (c).*

13 (b) *ADMINISTRATION.*—

14 (1) *IN GENERAL.*—*Except as provided in para-*
15 *graph (2), the Secretary shall make assistance avail-*
16 *able under this section in the same manner as pro-*
17 *vided under section 815 of the Agriculture, Rural De-*
18 *velopment, Food and Drug Administration and Re-*
19 *lated Agencies Appropriations Act, 2001 (Public Law*
20 *106–387; 114 Stat. 1549A–55), including using the*
21 *same loss thresholds for quantity and economic losses*
22 *as were used in administering that section, except*
23 *that the payment rate shall be 50 percent of the estab-*
24 *lished price, instead of 65 percent.*

1 (2) *LOSS THRESHOLDS FOR QUALITY LOSSES.*—
2 *In the case of a payment for quality loss for a crop*
3 *under subsection (c)(2), the loss thresholds for quality*
4 *loss for the crop shall be determined under subsection*
5 *(d).*

6 (c) *QUALIFYING LOSSES.*—*Assistance under this sec-*
7 *tion shall be made available to producers on farms, other*
8 *than producers of sugar cane and sugar beets, that incurred*
9 *qualifying quantity or quality losses for—*

10 (1) *the 2005 crop due to damaging weather or*
11 *any related condition (including losses due to crop*
12 *diseases, insects, and delayed harvest), as determined*
13 *by the Secretary; and*

14 (2) *the 2006 crop due to flooding in California*
15 *and Hawaii that occurred prior to the date of enact-*
16 *ment of this Act and for which a petition for a dis-*
17 *aster designation has been filed with the Secretary*
18 *not later than that date.*

19 (d) *QUALITY LOSSES.*—

20 (1) *IN GENERAL.*—*Subject to paragraph (3), the*
21 *amount of a payment made to producers on a farm*
22 *for a quality loss for a crop under subsection (c)(2)*
23 *shall be equal to the amount obtained by*
24 *multiplying—*

1 (A) 65 percent of the payment quantity de-
2 termined under paragraph (2); by

3 (B) 50 percent of the payment rate deter-
4 mined under paragraph (3).

5 (2) *PAYMENT QUANTITY.*—For the purpose of
6 paragraph (1)(A), the payment quantity for quality
7 losses for a crop of a commodity on a farm shall
8 equal the lesser of—

9 (A) the actual production of the crop af-
10 fected by a quality loss of the commodity on the
11 farm; or

12 (B) the quantity of expected production of
13 the crop affected by a quality loss of the com-
14 modity on the farm, using the formula used by
15 the Secretary to determine quantity losses for the
16 crop of the commodity under subsection (c)(1).

17 (3) *PAYMENT RATE.*—For the purpose of para-
18 graph (1)(B) and in accordance with paragraphs (5)
19 and (6), the payment rate for quality losses for a crop
20 of a commodity on a farm shall be equal to the dif-
21 ference between—

22 (A) the per unit market value that the units
23 of the crop affected by the quality loss would
24 have had if the crop had not suffered a quality
25 loss; and

1 (B) *the per unit market value of the units*
2 *of the crop affected by the quality loss.*

3 (4) *ELIGIBILITY.—For producers on a farm to be*
4 *eligible to obtain a payment for a quality loss for a*
5 *crop under subsection (c)(2), the amount obtained by*
6 *multiplying the per unit loss determined under para-*
7 *graph (1) by the number of units affected by the qual-*
8 *ity loss shall be at least 25 percent of the value that*
9 *all affected production of the crop would have had if*
10 *the crop had not suffered a quality loss.*

11 (5) *MARKETING CONTRACTS.—In the case of any*
12 *production of a commodity that is sold pursuant to*
13 *1 or more marketing contracts (regardless of whether*
14 *the contract is entered into by the producers on the*
15 *farm before or after harvest) and for which appro-*
16 *prate documentation exists, the quantity designated*
17 *in the contracts shall be eligible for quality loss assist-*
18 *ance based on the 1 or more prices specified in the*
19 *contracts.*

20 (6) *OTHER PRODUCTION.—For any additional*
21 *production of a commodity for which a marketing*
22 *contract does not exist or for which production con-*
23 *tinues to be owned by the producer, quality losses*
24 *shall be based on the average local market discounts*

1 *for reduced quality, as determined by the appropriate*
2 *State committee of the Farm Service Agency.*

3 (7) *QUALITY ADJUSTMENTS AND DISCOUNTS.—*
4 *The appropriate State committee of the Farm Service*
5 *Agency shall identify the appropriate quality adjust-*
6 *ment and discount factors to be considered in car-*
7 *rying out this subsection, including—*

8 (A) *the average local discounts actually ap-*
9 *plied to a crop; and*

10 (B) *the discount schedules applied to loans*
11 *made by the Farm Service Agency or crop insur-*
12 *ance coverage under the Federal Crop Insurance*
13 *Act (7 U.S.C. 1501 et seq.).*

14 (8) *ELIGIBLE PRODUCTION.—The Secretary shall*
15 *carry out this subsection in a fair and equitable man-*
16 *ner for all eligible production, including the produc-*
17 *tion of fruits and vegetables, other specialty crops,*
18 *and field crops.*

19 (e) *ELIGIBILITY FOR ASSISTANCE.—*

20 (1) *IN GENERAL.—Except as provided in para-*
21 *graph (2), the producers on a farm shall not be eligi-*
22 *ble for assistance under this section with respect to*
23 *losses to an insurable commodity or noninsurable*
24 *commodity if the producers on the farm—*

1 (A) *in the case of an insurable commodity,*
2 *did not obtain a policy or plan of insurance for*
3 *the insurable commodity under the Federal Crop*
4 *Insurance Act (7 U.S.C. 1501 et seq.) for the*
5 *crop incurring the losses;*

6 (B) *in the case of a noninsurable com-*
7 *modity, did not file the required paperwork, and*
8 *pay the administrative fee by the applicable*
9 *State filing deadline, for the noninsurable com-*
10 *modity under section 196 of the Federal Agri-*
11 *culture Improvement and Reform Act of 1996 (7*
12 *U.S.C. 7333) for the crop incurring the losses;*

13 (C) *had average adjusted gross income (as*
14 *defined by section 1001D(a) of the Food Security*
15 *Act of 1985 (7 U.S.C. 1308–3a(a)), of greater*
16 *than \$2,500,000 in 2004; or*

17 (D) *were not in compliance with highly*
18 *erodible land conservation and wetland conserva-*
19 *tion provisions.*

20 (2) *CONTRACT WAIVER.—The Secretary may*
21 *waive paragraph (1) with respect to the producers on*
22 *a farm if the producers enter into a contract with the*
23 *Secretary under which the producers agree—*

24 (A) *in the case of an insurable commodity,*
25 *to obtain a policy or plan of insurance under the*

1 *Federal Crop Insurance Act (7 U.S.C. 1501 et*
2 *seq.) providing additional coverage for the insur-*
3 *able commodity for each of the next 2 crops, at*
4 *a coverage level that provides—*

5 *(i) not less than 65 percent of the ac-*
6 *tual production history for the crop pro-*
7 *duced on the farm; and*

8 *(ii) 100 percent of the expected market*
9 *price or a comparable coverage (as deter-*
10 *mined by the Federal Crop Insurance Cor-*
11 *poration); and*

12 *(B) in the case of a noninsurable com-*
13 *modity, to file the required paperwork and pay*
14 *the administrative fee by the applicable State fil-*
15 *ing deadline, for the noninsurable commodity for*
16 *each of the next 2 crops under section 196 of the*
17 *Federal Agriculture Improvement and Reform*
18 *Act of 1996 (7 U.S.C. 7333).*

19 *(3) EFFECT OF VIOLATION.—In the event of the*
20 *violation of a contract under paragraph (2) by a pro-*
21 *ducer, the producer shall reimburse the Secretary for*
22 *the full amount of the assistance provided to the pro-*
23 *ducer under this section.*

24 *(f) TIMING.—*

1 (1) *IN GENERAL.*—Subject to paragraph (2), the
2 Secretary shall make payments to producers on a
3 farm for a crop under this section not later than 60
4 days after the date the producers on the farm submit
5 to the Secretary a completed application for the pay-
6 ments.

7 (2) *INTEREST.*—If the Secretary does not make
8 payments to the producers on a farm by the date de-
9 scribed in paragraph (1), the Secretary shall pay to
10 the producers on a farm interest on the payments at
11 a rate equal to the current (as of the sign-up deadline
12 established by the Secretary) market yield on out-
13 standing, marketable obligations of the United States
14 with maturities of 30 years.

15 **SEC. 3012. LIVESTOCK ASSISTANCE.**

16 (a) *LIVESTOCK COMPENSATION PROGRAM.*—

17 (1) *USE OF COMMODITY CREDIT CORPORATION*
18 *FUNDS.*—Effective beginning on the date of enactment
19 of this Act, the Secretary shall use funds of the Com-
20 modity Credit Corporation to carry out the 2002
21 Livestock Compensation Program announced by the
22 Secretary on October 10, 2002 (67 Fed. Reg. 63070),
23 to provide compensation for livestock losses during
24 calendar years 2005 and 2006 for losses that occurred
25 prior to the date of enactment of this Act (including

1 *wildfire disaster losses in the State of Texas and other*
2 *States) due to a disaster, as determined by the Sec-*
3 *retary, except that the payment rate shall be 75 per-*
4 *cent of the payment rate established for the 2002*
5 *Livestock Compensation Program.*

6 (2) *ELIGIBLE APPLICANTS.—In carrying out the*
7 *program described in paragraph (1), the Secretary*
8 *shall provide assistance to any applicant that—*

9 (A)(i) *conducts a livestock operation that is*
10 *located in a disaster county, including any ap-*
11 *plicant conducting a livestock operation with eli-*
12 *gible livestock (within the meaning of the live-*
13 *stock assistance program under section 101(b) of*
14 *division B of Public Law 108–324 (118 Stat.*
15 *1234)); or*

16 (ii) *produces an animal described in section*
17 *10806(a)(1) of the Farm Security and Rural In-*
18 *vestment Act of 2002 (21 U.S.C. 321d(a)(1));*
19 *and*

20 (B) *meets all other eligibility requirements*
21 *established by the Secretary for the program.*

22 (3) *MITIGATION.—In determining the eligibility*
23 *for or amount of payments for which a producer is*
24 *eligible under the livestock compensation program, the*
25 *Secretary shall not penalize a producer that takes ac-*

1 *tions (recognizing disaster conditions) that reduce the*
2 *average number of livestock the producer owned for*
3 *grazing during the production year for which assist-*
4 *ance is being provided.*

5 (4) *LIMITATION.*—*The Secretary shall ensure, to*
6 *the maximum extent practicable, that no producer on*
7 *a farm receives duplicative payments under this sub-*
8 *section and another Federal program with respect to*
9 *any loss.*

10 (b) *LIVESTOCK INDEMNITY PAYMENTS.*—

11 (1) *IN GENERAL.*—*The Secretary shall use such*
12 *sums as are necessary of funds of the Commodity*
13 *Credit Corporation to make livestock indemnity pay-*
14 *ments to producers on farms that have incurred live-*
15 *stock losses during calendar years 2005 and 2006 for*
16 *losses that occurred prior to the date of enactment of*
17 *this Act (including wildfire disaster losses in the*
18 *State of Texas and other States) due to a disaster, as*
19 *determined by the Secretary, including losses due to*
20 *hurricanes, floods, anthrax, and wildfires.*

21 (2) *PAYMENT RATES.*—*Indemnity payments to a*
22 *producer on a farm under paragraph (1) shall be*
23 *made at a rate of not less than 30 percent of the mar-*
24 *ket value of the applicable livestock on the day before*

1 *the date of death of the livestock, as determined by the*
2 *Secretary.*

3 *(c) LIVESTOCK INDEMNITY PROGRAM FOR CONTRACT*
4 *GROWERS.—*

5 *(1) IN GENERAL.—Subject to subsection (d), the*
6 *Secretary shall use funds of the Commodity Credit*
7 *Corporation to establish a program to assist poultry*
8 *producers in hurricane-affected counties that suffered*
9 *income losses.*

10 *(2) TERMS AND CONDITIONS.—The program es-*
11 *tablished under paragraph (1) shall contain similar*
12 *terms and conditions as the terms and conditions*
13 *used for the livestock indemnity program for contract*
14 *growers described in subpart E of chapter XIV of title*
15 *7, Code of Federal Regulations (as in effect on Janu-*
16 *ary 1, 2002).*

17 *(d) EWE LAMB REPLACEMENT AND RETENTION.—*

18 *(1) IN GENERAL.—The Secretary shall use*
19 *\$15,000,000 of funds of the Commodity Credit Cor-*
20 *poration to make payments under the Ewe Lamb Re-*
21 *placement and Retention Payment Program under*
22 *part 784 of title 7, Code of Federal Regulations (or*
23 *a successor regulation) for each qualifying ewe lamb*
24 *retained or purchased during the period beginning on*
25 *January 1, 2006, and ending on December 31, 2006.*

1 (2) *INELIGIBILITY FOR OTHER ASSISTANCE.*—A
 2 producer that receives assistance under this subsection
 3 shall not be eligible to receive assistance under sub-
 4 section (a).

5 (e) *LIMIT ON AMOUNT OF ASSISTANCE.*—The Sec-
 6 retary shall ensure, to the maximum extent practicable, that
 7 no producer on a farm receives duplicative payments under
 8 this section and any other Federal program for the same
 9 loss.

10 **SEC. 3013. FLOODED CROP AND GRAZING LAND.**

11 (a) *IN GENERAL.*—The Secretary shall compensate eli-
 12 gible owners of flooded crop and grazing land in—

13 (1) *the Devils Lake basin; and*

14 (2) *the McHugh, Lake Laretta, and Rose Lake*
 15 *closed drainage areas of the State of North Dakota.*

16 (b) *ELIGIBILITY.*—

17 (1) *IN GENERAL.*—To be eligible to receive com-
 18 pensation under this section, an owner shall own land
 19 described in subsection (a) that, during the 2 crop
 20 years preceding receipt of compensation, was rendered
 21 incapable of use for the production of an agricultural
 22 commodity or for grazing purposes (in a manner con-
 23 sistent with the historical use of the land) as the re-
 24 sult of flooding, as determined by the Secretary.

1 (2) *INCLUSIONS.*—*Land described in paragraph*
2 *(1) shall include—*

3 (A) *land that has been flooded;*

4 (B) *land that has been rendered inaccessible*
5 *due to flooding; and*

6 (C) *a reasonable buffer strip adjoining the*
7 *flooded land, as determined by the Secretary.*

8 (3) *ADMINISTRATION.*—*The Secretary may*
9 *establish—*

10 (A) *reasonable minimum acreage levels for*
11 *individual parcels of land for which owners may*
12 *receive compensation under this section; and*

13 (B) *the location and area of adjoining*
14 *flooded land for which owners may receive com-*
15 *penensation under this section.*

16 (c) *SIGN-UP.*—*The Secretary shall establish a sign-up*
17 *program for eligible owners to apply for compensation from*
18 *the Secretary under this section.*

19 (d) *COMPENSATION PAYMENTS.*—

20 (1) *IN GENERAL.*—*Subject to paragraphs (2) and*
21 *(3), the rate of an annual compensation payment*
22 *under this section shall be equal to 90 percent of the*
23 *average annual per acre rental payment rate (at the*
24 *time of entry into the contract) for comparable crop*
25 *or grazing land that has not been flooded and re-*

1 *mains in production in the county where the flooded*
2 *land is located, as determined by the Secretary.*

3 (2) *REDUCTION.*—*An annual compensation pay-*
4 *ment under this section shall be reduced by the*
5 *amount of any conservation program rental payments*
6 *or Federal agricultural commodity program pay-*
7 *ments received by the owner for the land during any*
8 *crop year for which compensation is received under*
9 *this section.*

10 (3) *EXCLUSION.*—*During any year in which an*
11 *owner receives compensation for flooded land under*
12 *this section, the owner shall not be eligible to partici-*
13 *pate in or receive benefits for the flooded land*
14 *under—*

15 (A) *the Federal crop insurance program es-*
16 *tablished under the Federal Crop Insurance Act*
17 *(7 U.S.C. 1501 et seq.);*

18 (B) *the noninsured crop assistance program*
19 *established under section 196 of the Federal Ag-*
20 *riculture Improvement and Reform Act of 1996*
21 *(7 U.S.C. 7333); or*

22 (C) *any Federal agricultural crop disaster*
23 *assistance program.*

24 (e) *RELATIONSHIP TO AGRICULTURAL COMMODITY*
25 *PROGRAMS.*—*The Secretary, by regulation, shall provide*

1 *for the preservation of cropland base, allotment history, and*
2 *payment yields applicable to land described in subsection*
3 *(a) that was rendered incapable of use for the production*
4 *of an agricultural commodity or for grazing purposes as*
5 *the result of flooding.*

6 *(f) USE OF LAND.—*

7 *(1) IN GENERAL.—An owner that receives com-*
8 *penetration under this section for flooded land shall*
9 *take such actions as are necessary to not degrade any*
10 *wildlife habitat on the land that has naturally devel-*
11 *oped as a result of the flooding.*

12 *(2) RECREATIONAL ACTIVITIES.—To encourage*
13 *owners that receive compensation for flooded land to*
14 *allow public access to and use of the land for rec-*
15 *reational activities, as determined by the Secretary,*
16 *the Secretary may—*

17 *(A) offer an eligible owner additional com-*
18 *penetration; and*

19 *(B) provide compensation for additional*
20 *acreage under this section.*

21 *(g) FUNDING.—*

22 *(1) IN GENERAL.—The Secretary shall use*
23 *\$6,000,000 of funds of the Commodity Credit Cor-*
24 *poration to carry out this section.*

1 (2) *PRO-RATED PAYMENTS.*—*In a case in which*
 2 *the amount made available under paragraph (1) for*
 3 *a fiscal year is insufficient to compensate all eligible*
 4 *owners under this section, the Secretary shall pro-rate*
 5 *payments for that fiscal year on a per acre basis.*

6 **SEC. 3014. SUGARCANE AND SUGAR BEET DISASTER ASSIST-**
 7 **ANCE.**

8 (a) *FLORIDA.*—*The Secretary of Agriculture shall use*
 9 *\$120,000,000 of funds of the Commodity Credit Corporation*
 10 *to make payments to processors in Florida that are eligible*
 11 *to obtain a loan under section 156(a) of the Federal Agri-*
 12 *culture Improvement and Reform Act of 1996 (7 U.S.C.*
 13 *7272(a)) to compensate first processors and producers for*
 14 *crop and other losses in hurricane-affected counties that are*
 15 *related to hurricanes, tropical storms, excessive rains,*
 16 *floods, and wind in Florida during calendar year 2005, by*
 17 *an agreement on the same terms and conditions, to the max-*
 18 *imum extent practicable, as the payments made under sec-*
 19 *tion 102 of the Emergency Supplemental Appropriations*
 20 *for Hurricane Disasters Assistance Act of 2005 (Public Law*
 21 *108–324; 118 Stat. 1235), including that the 2005 base pro-*
 22 *duction of each harvesting unit shall be determined using*
 23 *the same base year crop production history that was used*
 24 *pursuant to the agreement under that section.*

25 (b) *LOUISIANA.*—

1 (1) *COMPENSATION FOR LOSSES.*—*The Secretary*
2 *shall use the funds, facilities, and authorities of the*
3 *Commodity Credit Corporation to make \$120,000,000*
4 *in payments to first processors of sugarcane that op-*
5 *erate in a disaster county in Louisiana, or obtain*
6 *sugarcane from a disaster county in Louisiana, and*
7 *that are eligible to obtain a loan under section 156(a)*
8 *of the Federal Agriculture Improvement and Reform*
9 *Act of 1996 (7 U.S.C. 7272(a)), to compensate the*
10 *producers and first processors for crop and other*
11 *losses due to Hurricane Katrina, Hurricane Rita, or*
12 *related conditions.*

13 (2) *ADMINISTRATION.*—*Assistance under this*
14 *subsection shall be—*

15 (A) *shared by an affected first processor*
16 *with affected producers that provide commodities*
17 *to the processor in a manner that reflects con-*
18 *tracts entered into between the processor and the*
19 *producers, except with respect to a portion of the*
20 *amount of total assistance described under para-*
21 *graph (1) necessary to compensate affected pro-*
22 *ducers for individual losses experienced by the*
23 *producers, including losses due to saltwater in-*
24 *trusion, flooding, wind damage, or increased*
25 *planting, replanting, or harvesting costs, which*

1 *shall be transferred by the first processor to the*
2 *affected producers without regard to contractual*
3 *share arrangements; and*

4 *(B) made available under such terms and*
5 *conditions as the Secretary determines are nec-*
6 *essary to carry out this subsection.*

7 (3) *LOSS DETERMINATION.*—*In carrying out this*
8 *subsection, the Secretary shall use the same base year*
9 *to determine crop loss that was elected by a producer*
10 *to determine crop loss in carrying out the hurricane*
11 *assistance program under section 207 of the Agricul-*
12 *tural Assistance Act of 2003 (Public Law 108–7; 117*
13 *Stat. 543).*

14 (c) *FUNDING.*—*The Secretary shall use \$40,000,000 of*
15 *funds of the Commodity Credit Corporation to provide as-*
16 *sistance to sugar beet producers that suffered production*
17 *losses (including quality losses) for the 2005 crop year.*

18 (d) *REQUIREMENT.*—*The Secretary shall make pay-*
19 *ments under subsection (c) in the same manner as pay-*
20 *ments were made under section 208 of the Agricultural As-*
21 *sistance Act of 2003 (Public Law 108–7; 117 Stat. 544),*
22 *including using the same indemnity benefits as were used*
23 *in carrying out that section.*

24 (e) *TEXAS.*—*The Secretary shall use \$400,000 of funds*
25 *of the Commodity Credit Corporation to assist sugarcane*

1 *growers in Texas by making a payment in that amount*
2 *to the Rio Grande Valley Sugar Growers, a farmer-owned*
3 *cooperative sugarcane processor in that State, for addi-*
4 *tional demurrage costs at the Port of Baton Rouge and ad-*
5 *ditional storage and transportation costs of raw sugar re-*
6 *sulting from hurricanes during calendar year 2005, exces-*
7 *sive rains, floods, wind, and other related conditions.*

8 (f) *HAWAII.—The Secretary shall use \$6,000,000 of*
9 *funds of the Commodity Credit Corporation to assist sugar-*
10 *cane growers in Hawaii by making a payment in that*
11 *amount to an agricultural transportation cooperative in*
12 *Hawaii, the members of which are eligible to receive mar-*
13 *keting assistance loans and loan deficiency payments made*
14 *available under subtitle B of title I of the Farm Security*
15 *and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.).*

16 (g) *LIMIT ON AMOUNT OF ASSISTANCE.—The Sec-*
17 *retary shall ensure, to the maximum extent practicable, that*
18 *no producer on a farm receives duplicative payments under*
19 *this section and any other Federal program for the same*
20 *loss.*

21 **SEC. 3015. SPECIALTY CROPS AND NURSERY CROPS.**

22 (a) *IN GENERAL.—The Secretary shall use funds of the*
23 *Commodity Credit Corporation to provide assistance to*
24 *producers of specialty crops and nursery crops in hurri-*
25 *cane-affected counties.*

1 **(b) ADMINISTRATION.**—

2 **(1) IN GENERAL.**—*Assistance required by sub-*
3 *section (a) shall be carried out by the Secretary under*
4 *the same terms and conditions as the special disaster*
5 *relief programs carried out for producers that suffered*
6 *from crop damage and tree losses, and carried out re-*
7 *lated cleanup, in certain areas of Florida due to Hur-*
8 *ricanes Charley, Frances, and Jeanne during August*
9 *and September 2004, as described in the notice of pro-*
10 *gram implementation relating to Florida citrus, fruit,*
11 *vegetable, and nursery crop disaster programs (69*
12 *Fed. Reg. 63134 (October 29, 2004)).*

13 **(2) LOSS OF RECORDS.**—*Due to the complete de-*
14 *struction of the business records of many producers,*
15 *the Secretary shall use the best available information*
16 *in determining eligibility, determining losses, and*
17 *calculating payment amounts under this section.*

18 **(c) LIMIT ON AMOUNT OF ASSISTANCE.**—*The Sec-*
19 *retary shall ensure, to the maximum extent practicable, that*
20 *no producer on a farm receives duplicative payments under*
21 *this section and any other Federal program for the same*
22 *loss.*

23 **SEC. 3016. DAIRY ASSISTANCE.**

24 *The Secretary shall use \$25,000,000 of the funds of the*
25 *Commodity Credit Corporation to make payments to dairy*

1 *producers for dairy production losses and dairy spoilage*
2 *losses in hurricane-affected counties.*

3 **SEC. 3017. COTTONSEED.**

4 (a) *DISTRIBUTION OF FUNDS.*—*The Secretary shall*
5 *provide disaster assistance under subsection (c) under the*
6 *same terms and conditions as assistance provided under*
7 *section 206 of the Agricultural Assistance Act of 2003 (Pub-*
8 *lic Law 108–7; 117 Stat. 543), except that assistance shall*
9 *be—*

10 (1) *distributed to producers and first handlers of*
11 *cottonseed; and*

12 (2) *based on cottonseed production during the*
13 *most recent year for which a disaster payment spe-*
14 *cifically for cottonseed was not authorized.*

15 (b) *COTTONSEED ASSISTANCE.*—*The Secretary shall*
16 *use \$15,000,000 of the funds of the Commodity Credit Cor-*
17 *poration to provide assistance to producers and first-han-*
18 *dlers of the 2005 crop of cottonseed in hurricane-affected*
19 *counties.*

20 **SEC. 3018. REDUCTION IN PAYMENTS.**

21 *The amount of any payment for which a producer is*
22 *eligible under this subtitle shall be reduced by any amount*
23 *received by the producer for the same loss or any similar*
24 *loss under—*

1 (1) *the Department of Defense, Emergency Sup-*
 2 *plemental Appropriations to Address Hurricanes in*
 3 *the Gulf of Mexico, and Pandemic Influenza Act,*
 4 *2006 (Public Law 109–148; 119 Stat. 2680); or*

5 (2) *an agricultural disaster assistance provision*
 6 *contained in the announcement of the Secretary on*
 7 *January 26, 2006.*

8 ***Subtitle B—Supplemental Nutrition***
 9 ***and Agricultural Economic Dis-***
 10 ***aster Assistance***

11 ***SEC. 3021. REPLENISHMENT OF SECTION 32.***

12 (a) *DEFINITION OF SPECIALTY CROP.—In this section:*

13 (1) *IN GENERAL.—The term “specialty crop”*
 14 *means any agricultural crop.*

15 (2) *EXCEPTION.—The term “specialty crop” does*
 16 *not include—*

17 (A) *wheat;*

18 (B) *feed grains;*

19 (C) *oilseeds;*

20 (D) *cotton;*

21 (E) *rice; or*

22 (F) *peanuts.*

23 (b) *BASE STATE GRANTS.—*

24 (1) *IN GENERAL.—The Secretary shall use*
 25 *\$25,500,000 of funds of the Commodity Credit Cor-*

1 *poration to make grants to the several States, the Dis-*
2 *trict of Columbia, and the Commonwealth of Puerto*
3 *Rico to be used to support activities that promote ag-*
4 *riculture.*

5 (2) *AMOUNTS.—The amount of the grants shall*
6 *be—*

7 (A) *\$500,000 to each of the several States;*
8 *and*

9 (B) *\$250,000 to each of the Commonwealth*
10 *of Puerto Rico and the District of Columbia.*

11 (c) *GRANTS FOR VALUE OF PRODUCTION.—The Sec-*
12 *retary shall use \$74,500,000 of funds of the Commodity*
13 *Credit Corporation to make a grant to each of the several*
14 *States in an amount equal to the product obtained by*
15 *multiplying—*

16 (1) *the share of the State of the total value of*
17 *specialty crop, livestock, and dairy production of the*
18 *United States for the 2004 crop year, as determined*
19 *by the Secretary; by*

20 (2) *\$74,500,000.*

21 (d) *SPECIAL CROP AND LIVESTOCK PRIORITY.—As a*
22 *condition on the receipt of a grant under this section, a*
23 *State shall agree to give priority to the support of specialty*
24 *crops and livestock in the use of the grant funds.*

1 (e) *USE OF FUNDS.*—A State may use funds from a
2 grant awarded under this section—

3 (1) *to supplement State food bank programs or*
4 *other nutrition assistance programs;*

5 (2) *to promote the purchase, sale, or consump-*
6 *tion of agricultural products;*

7 (3) *to provide economic assistance to agricul-*
8 *tural producers, giving a priority to the support of*
9 *specialty crops and livestock; or*

10 (4) *for other purposes as determined by the Sec-*
11 *retary.*

12 **SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.**

13 *The Secretary shall make a supplemental economic loss*
14 *payment to any producer on a farm that received a direct*
15 *payment for crop year 2005 under title I of the Farm Secu-*
16 *rity and Rural Investment Act of 2002 (7 U.S.C. 7901 et*
17 *seq.) at a rate equal to the product obtained by*
18 *multiplying—*

19 (1) *30 percent of the direct payment rate in ef-*
20 *fect for the program crop of the farmer;*

21 (2) *85 percent of the program crop base of the*
22 *farmer; and*

23 (3) *the program payment yield for each program*
24 *crop of the farmer.*

1 **SEC. 3023. REDUCTION IN PAYMENTS.**

2 *The amount of any payment for which a producer is*
3 *eligible under this subtitle shall be reduced by any amount*
4 *received by the producer for the same loss or any similar*
5 *loss under—*

6 *(1) the Department of Defense, Emergency Sup-*
7 *plemental Appropriations to Address Hurricanes in*
8 *the Gulf of Mexico, and Pandemic Influenza Act,*
9 *2006 (Public Law 109–148; 119 Stat. 2680); or*

10 *(2) an agricultural disaster assistance provision*
11 *contained in the announcement of the Secretary on*
12 *January 26, 2006.*

13 ***Subtitle C—Forestry***

14 **SEC. 3031. TREE ASSISTANCE PROGRAM.**

15 *(a) DEFINITION OF TREE.—In this section, the term*
16 *“tree” includes a tree (including a Christmas tree, orna-*
17 *mental tree, nursery tree, and potted tree), bush (including*
18 *a shrub), and vine.*

19 *(b) PROGRAM.—Except as otherwise provided in this*
20 *section, the Secretary shall use such sums as are necessary*
21 *of the funds of the Commodity Credit Corporation to pro-*
22 *vide assistance under the tree assistance program estab-*
23 *lished under sections 10201 through 10203 of the Farm Se-*
24 *curity and Rural Investment Act of 2002 (7 U.S.C. 8201*
25 *et seq.) to—*

1 (1) *producers who suffered tree losses in hurri-*
2 *cane-affected counties; and*

3 (2) *fruit and tree nut producers in hurricane-af-*
4 *ected counties for site preparation, replacement, re-*
5 *habilitation, and pruning.*

6 (c) *COSTS.—Funds made available under this section*
7 *shall also be made available to cover costs associated with*
8 *tree pruning, tree rehabilitation, and other appropriate*
9 *tree-related activities as determined by the Secretary.*

10 (d) *LIMIT ON AMOUNT OF ASSISTANCE.—The Sec-*
11 *retary shall ensure, to the maximum extent practicable, that*
12 *no producer on a farm receives duplicative payments under*
13 *this section and any other Federal program for the same*
14 *loss.*

15 ***Subtitle D—Conservation***

16 ***SEC. 3041. NATURAL RESOURCES CONSERVATION SERVICE.***

17 (a) *AUTHORITY TO CLEAR DEBRIS AND ANIMAL CAR-*
18 *CASSES.—Notwithstanding any other provision of law, the*
19 *Secretary, acting through the Natural Resources Conserva-*
20 *tion Service, using funds made available for the emergency*
21 *watershed protection program established under section 403*
22 *of the Agricultural Credit Act of 1978 (16 U.S.C. 2203),*
23 *may provide financial and technical assistance to remove*
24 *and dispose of debris and animal carcasses that could ad-*

1 *versely affect health and safety on non-Federal land in a*
2 *hurricane-affected county.*

3 **(b) AUTHORITY TO USE CERTAIN PRACTICES.**—*Not-*
4 *withstanding any other provision of law, the Secretary, act-*
5 *ing through the Natural Resources Conservation Service,*
6 *may use direct check-writing practices and electronic trans-*
7 *fers to provide financial and technical assistance under the*
8 *emergency watershed protection program established under*
9 *section 403 of the Agricultural Credit Act of 1978 (16*
10 *U.S.C. 2203) in a hurricane-affected county.*

11 **SEC. 3042. EMERGENCY WATERSHED PROTECTION PRO-**
12 **GRAM.**

13 *The Secretary shall use an additional \$108,500,000 of*
14 *funds of the Commodity Credit Corporation to carry out*
15 *emergency measures identified by the Chief of the Natural*
16 *Resources Conservation Service as of the date of enactment*
17 *of this Act through the emergency watershed protection pro-*
18 *gram established under section 403 of the Agricultural*
19 *Credit Act of 1978 (16 U.S.C. 2203).*

20 **SEC. 3043. EMERGENCY CONSERVATION PROGRAM.**

21 *The Secretary shall use an additional \$17,000,000 of*
22 *funds of the Commodity Credit Corporation to carry out*
23 *emergency measures identified by the Administrator of the*
24 *Farm Service Agency as of the date of enactment of this*
25 *Act through the emergency conservation program estab-*

1 *lished under title IV of the Agricultural Credit Act of 1978*
 2 *(16 U.S.C. 2201 et seq.).*

3 ***Subtitle E—Farm Service Agency***

4 **SEC. 3051. FUNDING FOR ADDITIONAL PERSONNEL.**

5 *The Secretary shall use \$23,000,000 of funds of the*
 6 *Commodity Credit Corporation to hire additional County*
 7 *Farm Service Agency personnel—*

8 *(1) to expedite the implementation of, and deliv-*
 9 *ery under, the agricultural disaster and economic as-*
 10 *sistance programs under this title; and*

11 *(2) as the Secretary determines to be necessary*
 12 *to carry out other agriculture and disaster assistance*
 13 *programs.*

14 ***Subtitle F—Miscellaneous***

15 **SEC. 3061. AUTHORITY TO PROVIDE IMMUNIZATIONS.**

16 *Notwithstanding any other provision of law, the Sec-*
 17 *retary of Defense may provide immunizations to employees*
 18 *of the Department of Agriculture involved in direct recovery*
 19 *work in a hurricane-affected county.*

20 **SEC. 3062. WAIVER OF CERTAIN PROVISIONS.**

21 *Notwithstanding any other provision of law, the Sec-*
 22 *retary may provide assistance in a hurricane-affected coun-*
 23 *ty under the emergency conservation program established*
 24 *under title IV of the Agricultural Credit Act of 1978 (16*
 25 *U.S.C. 2201 et seq.) without regard to subtitle C of title*

1 *XII of the Food Security Act of 1985 (16 U.S.C. 3821 et*
2 *seq.).*

3 **SEC. 3063. FUNDING.**

4 *The Secretary shall use the funds, facilities, and au-*
5 *thorities of the Commodity Credit Corporation to carry out*
6 *this title, to remain available until expended.*

7 **SEC. 3064. REGULATIONS.**

8 *(a) IN GENERAL.—The Secretary may promulgate*
9 *such regulations as are necessary to implement this title.*

10 *(b) PROCEDURE.—The promulgation of the regulations*
11 *and administration of this title shall be made without re-*
12 *gard to—*

13 *(1) the notice and comment provisions of section*
14 *553 of title 5, United States Code;*

15 *(2) the Statement of Policy of the Secretary of*
16 *Agriculture effective July 24, 1971 (36 Fed. Reg.*
17 *13804), relating to notices of proposed rulemaking*
18 *and public participation in rulemaking; and*

19 *(3) chapter 35 of title 44, United States Code*
20 *(commonly known as the “Paperwork Reduction*
21 *Act”).*

22 *(c) CONGRESSIONAL REVIEW OF AGENCY RULE-*
23 *MAKING.—In carrying out this section, the Secretary shall*
24 *use the authority provided under section 808 of title 5,*
25 *United States Code.*

1 ***Subtitle G—Emergency Designation***

2 ***SEC. 3071. EMERGENCY DESIGNATION.***

3 *The amounts provided under this title are designated*
4 *as an emergency requirement pursuant to section 402 of*
5 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
6 *on the budget for fiscal year 2006.*

7 ***TITLE IV***

8 ***DROUGHT EMERGENCY ASSISTANCE***

9 ***SEC. 4001. CORPS OF ENGINEERS.***

10 *In addition to any other funds made available by this*
11 *Act, there is appropriated for “Department of Defense-Civil,*
12 *Department of the Army, Corps of Engineer-Civil, Flood*
13 *Control and Coastal Emergencies”, as authorized by section*
14 *5 of the Act of August 18, 1941 (33 U.S.C. 701n),*
15 *\$5,000,000, to remain available until expended, to be used*
16 *by the Secretary of the Army, acting through the Chief of*
17 *Engineers, for emergency drought assistance.*

18 ***SEC. 4002. BUREAU OF RECLAMATION.***

19 *In addition to any other funds made available by this*
20 *Act, there is appropriated for “Department of the Interior,*
21 *Bureau of Reclamation, Water and Related Resources”,*
22 *\$7,500,000, to remain available until expended, for drought*
23 *emergency assistance.*

1 **SEC. 4003. EMERGENCY DESIGNATION.**

2 *The amounts provided under this title are designated*
3 *as an emergency requirement pursuant to section 402 of*
4 *H. Con. Res. 95 (109th Congress), the concurrent resolution*
5 *on the budget for fiscal year 2006.*

6 **TITLE V**7 **PORT SECURITY ENHANCEMENTS**8 **CUSTOMS AND BORDER PROTECTION**9 **SALARIES AND EXPENSES**

10 *For an additional amount for “Salaries and Ex-*
11 *penses”, \$266,050,000, to remain available until expended.*

12 **UNITED STATES COAST GUARD**13 **OPERATING EXPENSES**

14 *For an additional amount for “Operating Expenses”,*
15 *\$23,000,000, to remain available until expended.*

16 **OFFICE FOR DOMESTIC PREPAREDNESS**17 **STATE AND LOCAL PROGRAMS**

18 *For an additional amount for “State and Local Pro-*
19 *grams”, \$227,000,000: Provided, That the entire amount*
20 *shall be for port security grants pursuant to the purposes*
21 *of 46 United States Code 70107 (a) through (h), which shall*
22 *be awarded based on risk and threat notwithstanding sub-*
23 *section (a), for eligible costs as defined in subsections*
24 *(b)(2)–(4).*

1 *SCIENCE AND TECHNOLOGY*
2 *RESEARCH, DEVELOPMENT, ACQUISITION, AND*
3 *OPERATIONS*

4 *For an additional amount for “Research, Develop-*
5 *ment, Acquisition, and Operations” for the Domestic Nu-*
6 *clear Detection Office, \$132,000,000, to remain available*
7 *until expended for the purchase and deployment of radi-*
8 *ation portal monitors for United States seaports.*

9 *TITLE VI*
10 *PANDEMIC FLU*
11 *DEPARTMENT OF HEALTH AND HUMAN*
12 *SERVICES*
13 *OFFICE OF THE SECRETARY*

14 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*
15 *For an additional amount for “Public Health and So-*
16 *cial Services Emergency Fund” to prepare for and respond*
17 *to an influenza pandemic, including international activi-*
18 *ties and activities in foreign countries, preparedness plan-*
19 *ning, enhancing the pandemic influenza regulatory science*
20 *base, accelerating pandemic influenza disease surveillance,*
21 *developing registries to monitor influenza vaccine distribu-*
22 *tion and use, supporting pandemic influenza research, clin-*
23 *ical trials and clinical trials infrastructure, and the devel-*
24 *opment and purchase of vaccines, antivirals, and necessary*
25 *medical supplies, \$2,300,000,000, to remain available until*

1 *expended: Provided, That \$300,000,000 shall be for upgrad-*
2 *ing State and local capacity, \$50,000,000 shall be for lab-*
3 *oratory capacity and research at the Centers for Disease*
4 *Control and Prevention, \$5,000,000 shall be for the Smith-*
5 *sonian Institution to carry out domestic disease surveil-*
6 *lance, and at least \$200,000,000 shall be for the Centers*
7 *for Disease Control and Prevention to carry out global and*
8 *domestic disease surveillance, laboratory capacity and re-*
9 *search, laboratory diagnostics, risk communication, rapid*
10 *response and quarantine: Provided further, That products*
11 *purchased with these funds may, at the discretion of the*
12 *Secretary, be deposited in the Strategic National Stockpile:*
13 *Provided further, That notwithstanding section 496(b) of*
14 *the Public Health Service Act, funds may be used for the*
15 *construction or renovation of privately owned facilities for*
16 *the production of pandemic influenza vaccines and other*
17 *biologicals, where the Secretary finds such a contract nec-*
18 *essary to secure sufficient supplies of such vaccines or*
19 *biologicals: Provided further, That the Secretary may nego-*
20 *tiate a contract with a vendor under which a State may*
21 *place an order with the vendor for antivirals; may reim-*
22 *burse a State for a portion of the price paid by the State*
23 *pursuant to such an order; and may use amounts made*
24 *available herein for such reimbursement: Provided further,*
25 *That funds appropriated herein and not specifically des-*

1 *igned under this heading may be transferred to other ap-*
 2 *propriation accounts of the Department of Health and*
 3 *Human Services, as determined by the Secretary to be ap-*
 4 *propriate, to be used for the purposes specified in this sen-*
 5 *tence: Provided further, That the amounts provided under*
 6 *this heading are designated as an emergency requirement*
 7 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
 8 *gress), the concurrent resolution on the budget for fiscal year*
 9 *2006.*

10 *FUNDING FOR PANDEMIC INFLUENZA VACCINE INJURY*

11 *COMPENSATION*

12 *SEC. 6001. For an additional amount to the “Public*
 13 *Health and Social Services Emergency Fund” to com-*
 14 *pensate individuals harmed by pandemic influenza vac-*
 15 *cines, \$289,000,000: Provided, That the amounts provided*
 16 *for under this section shall be designated as an emergency*
 17 *requirement pursuant to section 402 of H. Con. Res. 95*
 18 *(109th Congress).*

19 *TITLE VII—BORDER SECURITY*

20 *EMERGENCY SUPPLEMENTAL APPROPRIATIONS*

21 *FOR BORDER SECURITY*

22 *DEPARTMENT OF HOMELAND SECURITY*

23 *OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT*

24 *For an additional amount for the “Office of the Sec-*
 25 *retary and Executive Management” to provide funds for the*
 26 *Office of Policy, \$2,000,000: Provided, That the entire*

1 *amount is solely for a contract with an independent non-*
2 *Federal entity to conduct a needs assessment for comprehen-*
3 *sive border security: Provided further, That the entire*
4 *amount is designated as an emergency requirement pursu-*
5 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
6 *concurrent resolution on the budget for fiscal year 2006.*

7 *OFFICE OF THE CHIEF INFORMATION OFFICER*

8 *For an additional amount for the “Office of the Chief*
9 *Information Officer” to replace and upgrade law enforce-*
10 *ment communications, \$50,000,000, to remain available*
11 *until expended: Provided, That the entire amount is des-*
12 *ignated as an emergency requirement pursuant to section*
13 *402 of H. Con. Res. 95 (109th Congress), the concurrent*
14 *resolution on the budget for fiscal year 2006.*

15 *UNITED STATES VISITOR AND IMMIGRATION STATUS*

16 *INDICATOR TECHNOLOGY*

17 *For an additional amount for “United States Visitor*
18 *and Immigration Status Indicator Technology” to accel-*
19 *erate biometric database integration and conversion to 10-*
20 *print enrollment, \$60,000,000, to remain available until ex-*
21 *pendent: Provided, That none of the additional appropria-*
22 *tions made available under this heading may be obligated*
23 *until the Committees on Appropriations of the Senate and*
24 *the House of Representatives receive and approve a plan*
25 *for the expenditure of such funds: Provided further, That*
26 *the entire amount is designated as an emergency require-*

1 *ment pursuant to section 402 of H. Con. Res. 95 (109th*
2 *Congress), the concurrent resolution on the budget for fiscal*
3 *year 2006.*

4 *CUSTOMS AND BORDER PROTECTION*

5 *SALARIES AND EXPENSES*

6 *For an additional amount for “Salaries and Ex-*
7 *penses”, \$180,000,000, of which \$80,000,000 is for border*
8 *patrol vehicle replacement and \$100,000,000 is for sensor*
9 *and surveillance technology: Provided, That none of the ad-*
10 *ditional appropriations made available under this heading*
11 *may be obligated until the Committees on Appropriations*
12 *of the Senate and the House of Representatives receive and*
13 *approve a plan for expenditure of these funds: Provided fur-*
14 *ther, That the entire amount is designated as an emergency*
15 *requirement pursuant to section 402 of H. Con. Res. 95*
16 *(109th Congress), the concurrent resolution on the budget*
17 *for fiscal year 2006.*

18 *AIR AND MARINE INTERDICTION, OPERATIONS,*

19 *MAINTENANCE, AND PROCUREMENT*

20 *For an additional amount for “Air and Marine Inter-*
21 *dition, Operations, Maintenance, and Procurement” to re-*
22 *place air assets and upgrade air operations facilities,*
23 *\$790,000,000, to remain available until expended, of which*
24 *\$40,000,000 is for helicopter replacement and \$750,000,000*
25 *is for recapitalization of air assets: Provided, That none*
26 *of the additional appropriations made available under this*

1 *heading may be obligated until the Committees on Appro-*
2 *priations of the Senate and the House of Representatives*
3 *receive and approve an expenditure plan for the complete*
4 *recapitalization of Customs and Border Protection air as-*
5 *sets and facilities: Provided further, That the entire amount*
6 *is designated as an emergency requirement pursuant to sec-*
7 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
8 *rent resolution on the budget for fiscal year 2006.*

9 *CONSTRUCTION*

10 *For an additional amount for “Construction”,*
11 *\$120,000,000, to remain available until expended: Pro-*
12 *vided, That none of the additional appropriations made*
13 *available under this heading may be obligated until the*
14 *Committees on Appropriations of the Senate and the House*
15 *of Representatives receive and approve a plan for expendi-*
16 *ture for these funds: Provided further, That the entire*
17 *amount is designated as an emergency requirement pursu-*
18 *ant to section 402 of H. Con. Res. 95 (109th Congress), the*
19 *concurrent resolution on the budget for fiscal year 2006.*

20 *IMMIGRATION AND CUSTOMS ENFORCEMENT*

21 *SALARIES AND EXPENSES*

22 *For an additional amount for “Salaries and Ex-*
23 *penses” to replace vehicles, \$80,000,000: Provided, That the*
24 *entire amount is designated as an emergency requirement*
25 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*

1 *gress), the concurrent resolution on the budget for fiscal year*
2 *2006.*

3 *UNITED STATES COAST GUARD*

4 *ACQUISITION, CONSTRUCTION AND IMPROVEMENTS*

5 *For an additional amount for “Acquisition, Construc-*
6 *tion, and Improvements” for acquisition, construction, ren-*
7 *ovation, and improvement of vessels, aircraft, and equip-*
8 *ment, \$600,000,000, to remain available until expended:*
9 *Provided, That the entire amount is designated as an emer-*
10 *gency requirement pursuant to section 402 of H. Con. Res.*
11 *95 (109th Congress), the concurrent resolution on the budget*
12 *for fiscal year 2006.*

13 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

14 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*

15 *RELATED EXPENSES*

16 *For an additional amount for “Acquisition, Construc-*
17 *tion, Improvements, and Related Expenses” for construc-*
18 *tion of the language training facility referenced in the Mas-*
19 *ter Plan and information technology infrastructure im-*
20 *provements, \$18,000,000, to remain available until ex-*
21 *pended: Provided, That the entire amount is designated as*
22 *an emergency requirement pursuant to section 402 of H.*
23 *Con. Res. 95 (109th Congress), the concurrent resolution on*
24 *the budget for fiscal year 2006.*

1 *GENERAL PROVISIONS—THIS TITLE*2 *REDUCTION IN FUNDING*

3 *SEC. 7001. The aggregate amount provided by chapter*
4 *3 of title I of this Act and chapter 3 of title II of this Act*
5 *may not exceed \$67,062,188,000.*

6 *TITLE VIII—OTHER MATTERS*7 *LEGISLATIVE BRANCH*8 *ARCHITECT OF THE CAPITOL*9 *CAPITOL POWER PLANT*

10 *For an additional amount for “Capitol Power Plant”,*
11 *\$27,600,000, to remain available until September 30, 2011:*
12 *Provided, That the amount provided under this heading is*
13 *designated as an emergency requirement pursuant to sec-*
14 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
15 *rent resolution on the budget for fiscal year 2006.*

16 *NOAA PAYMENT LIMITATION*

17 *SEC. 8001. Notwithstanding any other provision of*
18 *this Act, none of the funds appropriated or otherwise made*
19 *available in title II, chapter 2 of this Act, for the National*
20 *Oceanic and Atmospheric Administration under the head-*
21 *ing “Operations, Research, and Facilities” may be avail-*
22 *able for the National Marine Fisheries Service to implement*
23 *seafood promotion strategies, and the amount made avail-*
24 *able under such heading is reduced by \$15,000,000.*

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TITLE IX

*GENERAL PROVISIONS AND TECHNICAL
CORRECTIONS*

AVAILABILITY OF FUNDS

SEC. 9001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

ADMINISTRATIVE PROVISION

SEC. 9002. Of the amount made available by the Department of Justice Appropriations Act, 2006 under the heading “Community Oriented Policing Services” (Public Law 109–108, 199 Stat. 2302), for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797 et seq.), \$1,500,000 shall be available to the Attorney General, without regard to such part BB, for the study on forensic science described in House Report 109–272 to accompany Public Law 109–108.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

ADMINISTRATIVE PROVISION

SEC. 9003. The referenced statement of the managers in House Report 109–272, Making Appropriations for Science, the Departments of State, Justice, and Commerce,

1 *and Related Agencies for the Fiscal Year Ending September*
2 *30, 2006, and for other purposes, under this heading is*
3 *deemed to be amended with respect to amounts made avail-*
4 *able under the heading “Science, Aeronautics and Explo-*
5 *ration” for the Mitchell Institute by striking “educational*
6 *purposes” and inserting “the science and engineering edu-*
7 *cation endowment”.*

8 *SMALL BUSINESS ADMINISTRATION*

9 *ADMINISTRATIVE PROVISION*

10 *SEC. 9004. Section 613 of the Science, State, Justice,*
11 *Commerce, and Related Agencies Appropriations Act, 2006*
12 *(Public Law 109–108; 119 Stat. 2338) is amended by strik-*
13 *ing “Clark County Department of Aviation, Las Vegas,”*
14 *and inserting “University of Nevada Las Vegas,”.*

15 *INTELLIGENCE ACTIVITIES*

16 *SEC. 9005. Funds appropriated in this Act, or made*
17 *available by the transfer of funds in or pursuant to this*
18 *Act, for intelligence activities are deemed to be specifically*
19 *authorized by the Congress for purposes of section 504 of*
20 *the National Security Act of 1947 (50 U.S.C. 414).*

21 *OFFICE OF ECONOMIC ADJUSTMENT—DEFENSE*

22 *SEC. 9006. Sec. 8044 of Public Law 109–148 (119*
23 *Stat. 2708) is amended as follows: After “Defense,” and be-*
24 *fore “acting” insert, “notwithstanding any other provision*
25 *of law,”.*

1 \$75,000,000 of the funds provided herein shall be used for
2 the repair, construction or provision of measures or struc-
3 tures necessary to protect, restore or increase wetlands, to
4 prevent saltwater intrusion or storm surge”: Provided, That
5 the amount provided under this heading is designated as
6 an emergency requirement pursuant to section 402 of H.
7 Con. Res. 95 (109th Congress), the concurrent resolution on
8 the budget for fiscal year 2006.

9 *SHORE PROTECTION*

10 *SEC. 9010. Section 227 of Public Law 104–303 is*
11 *modified as follows:*

12 (1) *Section 5(a) is amended by striking “6”, and*
13 *inserting “7” in lieu thereof.*

14 (2) *Section 5(e)(2) is amended by striking*
15 *“\$21,000,000”, and inserting “\$25,000,000” in lieu*
16 *thereof.*

17 *RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT*

18 *OF 1991*

19 *SEC. 9011. (a) Section 104(c) of the Reclamation*
20 *States Emergency Drought Relief Act of 1991 (43 U.S.C.*
21 *2214(c)) is amended by striking “September 30, 2005” and*
22 *inserting “September 30, 2010” in lieu thereof.*

23 (b) *Section 301 of the Reclamation States Emergency*
24 *Drought Relief Act of 1991 (43 U.S.C. 2241) is amended*
25 *by striking “fiscal years 1992, 1993, 1994, 1995, 1996,*

1 1999, 2000, 2001, 2002, 2003, and 2004” and inserting “the
2 period of fiscal years 2006 through 2010” in lieu thereof.

3 *REPROGRAMMING OF FUNDS*

4 *SEC. 9012. None of the funds made available before,*
5 *on, or after the date of enactment of this Act in an appro-*
6 *priations Act may be expended to prevent or limit any re-*
7 *programming of funds for a project to be carried out by*
8 *the Corps of Engineers using funds appropriated in any*
9 *Act making appropriations for energy and water develop-*
10 *ment, based on whether the project was included by the*
11 *President in the budget transmitted under section 1105(a)*
12 *of title 31, United States Code, or is otherwise proposed by*
13 *the President or considered part of the budget by the Office*
14 *of Management and Budget, if the project received funds*
15 *in an Act making appropriations for energy and water de-*
16 *velopment or any other appropriations Act making addi-*
17 *tional funds available for energy and water development.*

18 *BONNEVILLE POWER AUTHORITY*

19 *SEC. 9013. None of the funds made available under*
20 *this or any other Act shall be used during fiscal year 2006*
21 *or previous to April 1, 2007 to make, or plan or prepare*
22 *to make, any payment on bonds issued by the Adminis-*
23 *trator of the Bonneville Power Administration (referred in*
24 *this section as the “Administrator”) or for an appropriated*
25 *Federal Columbia River Power System investment, if the*
26 *payment is both—*

1 (1) *greater, during any fiscal year, than the*
2 *payments calculated in the rate hearing of the Ad-*
3 *ministrator to be made during that fiscal year using*
4 *the repayment method used to establish the rates of*
5 *the Administrator as in effect on February 6, 2006;*
6 *and*

7 (2) *based or conditioned on the actual or ex-*
8 *pected net secondary power sales receipts of the Ad-*
9 *ministrator.*

10 *DEPARTMENT OF HOMELAND SECURITY*

11 *(INCLUDING RESCISSION OF FUNDS)*

12 *SEC. 9014. (a) RESCISSION.—Of the funds available*
13 *for “Screening Coordination and Operations”, \$3,960,000*
14 *are rescinded.*

15 *(b) SUPPLEMENTAL APPROPRIATIONS.—For an addi-*
16 *tional amount for the “Office of the Secretary and Execu-*
17 *tive Management”, \$3,960,000.*

18 *DEPARTMENT OF THE INTERIOR—U.S. GEOLOGICAL*

19 *SURVEY*

20 *SEC. 9015. For an additional amount for “Depart-*
21 *ment of the Interior, United States Geological Survey, Sur-*
22 *veys, Investigations, and Research”, \$500,000, to remain*
23 *available until expended, for assistance with assessments of*
24 *critical reservoirs and dams, including the monitoring of*
25 *dam structures: Provided, That the amount provided under*
26 *this heading is designated as an emergency requirement*

1 *pursuant to section 402 of H. Con. Res. 95 (109th Con-*
2 *gress), the concurrent resolution on the budget for fiscal year*
3 *2006.*

4 *SURFACE MINING CONTROL AND RECLAMATION ACT*

5 *SEC. 9016. Section 402(b) of the Surface Mining Con-*
6 *trol and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is*
7 *amended by striking “June 30, 2006” and inserting “Sep-*
8 *tember 30, 2007”.*

9 *DEPARTMENT OF LABOR—OFFICE OF JOB CORPS*

10 *SEC. 9017. Notwithstanding section 102 of the Depart-*
11 *ments of Labor, Health and Human Services, and Edu-*
12 *cation, and Related Agencies Appropriations Act, 2006*
13 *(Public Law 109–149), none of the funds made available*
14 *under this Act or under the Departments of Labor, Health*
15 *and Human Services, and Education, and Related Agencies*
16 *Appropriations Act, 2006, shall be expended for any activ-*
17 *ity that—*

18 *(1) is related to carrying out Order 09–2006 of*
19 *the Secretary of Labor; or*

20 *(2) transfers the Office of Job Corps but does not*
21 *establish the Office of Job Corps as a single office*
22 *within the Office of the Secretary that retains all*
23 *staff, functions and authorities related to carrying out*
24 *subtitle C of title I of the Workforce Investment Act*
25 *of 1998 (29 U.S.C. 2881 et seq.).*

1 *DEPARTMENT OF LABOR—MINE SAFETY*

2 *SEC. 9018. For an additional amount for “Depart-*
3 *ment of Labor, Mine Safety and Health Administration,*
4 *Salaries and Expenses”, \$25,600,000 for the inspection of*
5 *coal mines: Provided, That progress reports on hiring shall*
6 *be submitted to the House and Senate Committees on Ap-*
7 *propriations on a quarterly basis, with the first report due*
8 *June 15, 2006: Provided further, That the amounts pro-*
9 *vided under this heading shall remain available until Sep-*
10 *tember 30, 2007: Provided further, That the amount pro-*
11 *vided under this heading is designated as an emergency re-*
12 *quirement pursuant to section 402 of H. Con. Res. 95*
13 *(109th Congress), the concurrent resolution on the budget*
14 *for fiscal year 2006.*

15 *CENTERS FOR DISEASE CONTROL—MINE SAFETY*

16 *SEC. 9019. For an additional amount for “Depart-*
17 *ment of Health and Human Services, Centers for Disease*
18 *Control and Prevention, Disease Control, Research and*
19 *Training”, to carry out section 501 of the Federal Mine*
20 *Safety and Health Act of 1977, \$10,000,000 for research*
21 *to develop mine safety technology including grants and con-*
22 *tracts: Provided, That progress reports on technology devel-*
23 *opment shall be submitted to the House and Senate Com-*
24 *mittees on Appropriations on a quarterly basis, with the*
25 *first report due June 15, 2006: Provided further, That the*
26 *amounts provided under this heading shall remain avail-*

1 *able until September 30, 2007: Provided further, That the*
2 *amount provided under this heading is designated as an*
3 *emergency requirement pursuant to section 402 of H. Con.*
4 *Res. 95 (109th Congress), the concurrent resolution on the*
5 *budget for fiscal year 2006: Provided further, That unex-*
6 *pected balances for Health Resources and Services Admin-*
7 *istration grant number 7C6HF03601-01-00, appropriated*
8 *in Public Law 106-554, shall remain available until ex-*
9 *pected.*

10 *RAILROAD RETIREMENT BOARD*

11 *SEC. 9020. Public Law 109-149 (119 Stat. 2876)*
12 *under the heading “Railroad Retirement Board, Dual Ben-*
13 *efits Payments Account” is amended by striking “propor-*
14 *tional to the amount by which the product of recipients and*
15 *the average benefit received exceeds \$97,000,000” and in-*
16 *serting “to the amount by which the product of recipients*
17 *and the average benefit received exceeds the amount avail-*
18 *able for payment of vested dual benefits” in lieu thereof.*

19 *HEAD START REGULATIONS EFFECTIVE DATE*

20 *SEC. 9021. Section 224 of Public Law 109-149 (119*
21 *Stat. 2862) is amended by striking “June” and inserting*
22 *“December” in lieu thereof.*

23 *EMPLOYMENT AND TRAINING ADMINISTRATION*

24 *SEC. 9022. None of the funds appropriated in Public*
25 *Law 109-149 under the heading Employment and Train-*
26 *ing Administration shall be used to pay the compensation*

1 of an individual, either as direct costs or any proration
2 as an indirect cost, at a rate in excess of Executive Level
3 II. Where Employment and Training Administration funds
4 appropriated in Public Law 109–149 are used for com-
5 pensation of an individual, the total Federal funding that
6 may go to compensation of that individual shall not exceed
7 a rate in excess of Executive Level II. States may establish
8 a lower limit of total compensation for those receiving com-
9 pensation from Employment and Training Administration
10 funding employed in that State, taking into account factors
11 including the relative cost-of-living in the State, the com-
12 pensation levels for comparable State or local government
13 employees, and the size of the organizations that administer
14 Federal programs involved including Employment and
15 Training Administration programs.

16 *MILITARY CONSTRUCTION*

17 *AUTHORIZATION*

18 *SEC. 9023. Section 2401 of the Military Construction*
19 *Authorization Act for Fiscal Year 2006 (Public Law 109–*
20 *163) is amended by striking after “Augusta”,*
21 *“\$61,466,000” and inserting in lieu thereof*
22 *“\$340,854,000”. This project may be incrementally funded.*
23 *Funds appropriated in Public Law 109–114 for this project*
24 *shall be available to fund the first increment.*

1

MILITARY CONSTRUCTION

2

AUTHORIZATION

3

SEC. 9024. Section 2401 of the Military Construction

4

Authorization Act for Fiscal Year 2006 (Public Law 109–

5

163) is amended by striking after “Kunia”, “\$305,000,000”

6

and inserting in lieu thereof “\$350,490,000”. The project

7

may be incrementally funded. Funds appropriated in Pub-

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lic Laws 108–7, 108–87, and 109–114 for this project shall

9

be available to fund the first increment.

10

MILITARY CONSTRUCTION

11

AUTHORIZATION

12

SEC. 9025. Section 2846 of the Military Construction

13

Authorization Act for Fiscal Year 2002 (division B of Pub-

14

lic Law 107–107; 115 Stat. 1320), as amended by section

15

2865 of the Military Construction Authorization Act for

16

Fiscal Year 2005 (division B of Public Law 108–375; 118

17

Stat. 2149) is further amended by striking “840 acres” and

18

inserting “1,540 acres”.

19

DETAIL AUTHORITY FOR DOT

20

SEC. 9026. Section 171 of Public Law 109–115 (119

21

Stat. 2426) is amended by inserting before the period at

22

the end of the following “: Provided, That the Department’s

23

Office of Intelligence, Security, and Emergency Response

24

may assess and enter into reimbursable agreements with the

25

modal administrations for services necessary to carry out

26

emergency preparedness or emergency response activities, as

1 *determined by the Secretary of Transportation: Provided*
2 *further, That notwithstanding any other provision of law,*
3 *the Secretary is authorized to detail modal administration*
4 *employees to the Office of Intelligence, Security, and Emer-*
5 *gency Response without reimbursement and for fixed peri-*
6 *ods of time, as determined by the Secretary, only insofar*
7 *as necessary to carry out emergency preparedness or emer-*
8 *gency response activities: Provided further, That the De-*
9 *partment shall transmit to the Committees on Appropria-*
10 *tions of the Senate and of the House of Representatives a*
11 *quarterly report that provides information describing any*
12 *reimbursable agreements or personnel details carried out in*
13 *accordance with this section”.*

14 *EMERGENCY HIGHWAY FUNDS*

15 *SEC. 9027. Under the heading “Department of Trans-*
16 *portation, Federal Highway Administration, Emergency*
17 *Relief Program” in Public Law 109–148 (119 Stat. 2778),*
18 *strike “\$629,000,000” and insert “\$803,000,000”.*

19 *LIMITATION ON CERTAIN TRANSPORTATION ACTIONS*

20 *SEC. 9028. None of the funds made available by this*
21 *or any other Act may be used to issue or implement a deci-*
22 *sion on the Notice of Proposed Rulemaking (70 Fed. Reg.*
23 *67389) that proposes to change the Department’s long-*
24 *standing interpretation of “actual control” of an airline for*
25 *purposes of section 40102(a)(15) of title 49, United States*
26 *Code, issue any final rule, or make any fitness determina-*

1 *tion under section 41102 of that title that would change*
2 *the Department of Transportation’s long-standing interpre-*
3 *tation concerning what constitutes “actual control” of an*
4 *airline for purposes of section 40102(a)(15) of such title,*
5 *or to submit a final rule to the Congress under chapter 8*
6 *of title 5, United States Code, that would change that inter-*
7 *pretation.*

8 *DOJ AND TREASURY FUNDING FOR INTELLIGENCE*

9 *ACTIVITIES*

10 *SEC. 9029. (a) Funds appropriated for intelligence ac-*
11 *tivities, or made available by the transfer of funds, by this*
12 *Act, by Public Law 109–108 for the Department of Justice,*
13 *or by Public Law 109–115 for the Department of the Treas-*
14 *ury, are deemed to be specifically authorized by the Con-*
15 *gress for purposes of section 504 of the National Security*
16 *Act of 1947, as amended, (50 U.S.C. 414) during fiscal year*
17 *2006 until the enactment of the Intelligence Authorization*
18 *Act for Fiscal Year 2006.*

19 *(b) Subsection (a) shall be effective:*

20 *(1) with respect to funds appropriated, or made*
21 *available by the transfer of funds, by this Act, upon*
22 *the enactment of this Act;*

23 *(2) with respect to funds appropriated, or made*
24 *available by the transfer of funds, by Public Law*
25 *109–108 for the Department of Justice, as if enacted*
26 *on the date of enactment of Public Law 109–108; and*

1 (3) *with respect to funds appropriated, or made*
2 *available by the transfer of funds, by Public Law*
3 *109–115 for the Department of the Treasury, as if en-*
4 *acted on the date of enactment of Public Law 109–*
5 *115.*

6 *FUNDING FOR TREASURY TRAVEL*

7 *SEC. 9030. The first sentence under the heading “De-*
8 *partment of the Treasury, Departmental Offices, Salaries*
9 *and Expenses” in title II of division A of Public Law 109–*
10 *115 (119 Stat. 2432) is amended by inserting after “travel*
11 *expenses” the words “(except for travel performed by offi-*
12 *cials in the Office of Terrorism and Financial Intelligence*
13 *and the Office of International Affairs)”.*

14 *ECONOMIC DEVELOPMENT INITIATIVES CORRECTIONS*

15 *SEC. 9031. (a) The referenced statement of the man-*
16 *agers under the heading “Community Development Fund”*
17 *in Public Law 108–199 is amended with respect to item*
18 *number 380 by striking “for construction of a new facility”*
19 *and inserting “to upgrade an existing facility”.*

20 *(b) The referenced statement of the managers under the*
21 *heading “Community Development Fund” in Public Law*
22 *108–199 is amended with respect to item number 188 by*
23 *striking “for the renovation of the historic Coca-Cola build-*
24 *ing” and inserting “for the construction or development of*
25 *a driver’s license facility”.*

1 *COMPREHENSIVE REVIEW ON PROCEDURES OF THE*
2 *DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS*

3 *SEC. 9034. (a) REPORT.—As soon as practicable after*
4 *the completion of the comprehensive review of the procedures*
5 *of the Department of Defense on mortuary affairs, the Sec-*
6 *retary of Defense shall submit to the congressional defense*
7 *committees a report on the review.*

8 *(b) ADDITIONAL ELEMENTS.—In conducting the com-*
9 *prehensive review described in subsection (a), the Secretary*
10 *shall also address, in addition to any other matters covered*
11 *by the review, the following:*

12 *(1) The utilization of additional or increased re-*
13 *frigeration (including icing) in combat theaters in*
14 *order to enhance preservation of remains.*

15 *(2) The relocation of refrigeration assets further*
16 *forward in the field.*

17 *(3) Specific time standards for the movement of*
18 *remains from combat units.*

19 *(4) The forward location of autopsy and em-*
20 *balming operations.*

21 *(5) Any other matters that the Secretary con-*
22 *siders appropriate in order to speed the return of re-*
23 *mains to the United States in a non-decomposed*
24 *state.*

1 (c) *ADDITIONAL ELEMENT OF POLICY ON CASUALTY*
2 *ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.*—
3 *Section 562(b) of the National Defense Authorization Act*
4 *for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267;*
5 *10 U.S.C. 1475 note) is amended by adding at the end the*
6 *following new paragraph:*

7 “(12) *The process by which the Department of*
8 *Defense, upon request, briefs survivors of military de-*
9 *cedents on the cause of, and any investigation into,*
10 *the death of such military decedents and on the dis-*
11 *position and transportation of the remains of such de-*
12 *cedents, which process shall—*

13 “(A) *provide for the provision of such brief-*
14 *ings by fully qualified Department personnel;*

15 “(B) *ensure briefings take place as soon as*
16 *possible after death and updates are provided in*
17 *a timely manner when new information becomes*
18 *available;*

19 “(C) *ensure that—*

20 “(i) *such briefings and updates relate*
21 *the most complete and accurate information*
22 *available at the time of such briefings or*
23 *updates, as the case may be; and*

1 “(ii) incomplete or unverified informa-
2 tion is identified as such during the course
3 of such briefings or updates; and

4 “(D) include procedures by which such sur-
5 vivors shall, upon request, receive updates or
6 supplemental information on such briefings or
7 updates from qualified Department personnel.”.

8 *SEGAL AWARD*

9 *SEC. 9035. Any national service educational award*
10 *described in subtitle D of title I of the National and Com-*
11 *munity Service Act of 1990 (42 U.S.C. 12601 et seq.), made*
12 *with funds appropriated to, funds transferred to, or interest*
13 *accumulated in the National Service Trust, shall be known*
14 *as a “Segal award”.*

15 *ENVIRONMENTAL PROTECTION AGENCY*

16 *SEC. 9036. For an additional amount for “Environ-*
17 *mental Programs and Management”, \$1,000,000, to remain*
18 *available until expended, for assistance relating to assess-*
19 *ments and monitoring of waters in the State of Hawaii;*
20 *Provided, That the amount provided under this heading is*
21 *designated as an emergency requirement pursuant to sec-*
22 *tion 402 of H. Con. Res. 95 (109th Congress), the concur-*
23 *rent resolution on the budget for fiscal year 2006.*

24 *RICKENBACKER AIRPORT, COLUMBUS, OHIO*

25 *SEC. 9037. The project numbered 4651 in section 1702*
26 *of the Safe, Accountable, Flexible, Efficient Transportation*

1 *Equity Act: A Legacy for Users (119 Stat. 1434) is amend-*
 2 *ed by striking “Grading, paving” and all that follows*
 3 *through “Airport” and inserting “Grading, paving, roads,*
 4 *and the transfer of rail-to-truck for the intermodal facility*
 5 *at Rickenbacker Airport, Columbus, Ohio”.*

6 *FOX POINT HURRICANE BARRIER*

7 *SEC. 9038. The Secretary of the Army, acting through*
 8 *the Chief of Engineers, for use in upgrading the electro-me-*
 9 *chanical control system of the Fox Point hurricane barrier*
 10 *in Providence, Rhode Island, \$1,055,000, to remain avail-*
 11 *able until expended, from within available funds of “Oper-*
 12 *ations and Maintenance” under the heading “CORPS OF*
 13 *ENGINEERS—CIVIL” of title I of the Energy and Water De-*
 14 *velopment Act, 2006 (Public Law 109–103).*

15 *FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE*
 16 *ISLAND*

17 *SEC. 9039. (a) In this section:*

18 *(1) The term “Barrier” means the Fox Point*
 19 *Hurricane Barrier, Providence, Rhode Island.*

20 *(2) The term “City” means the city of Provi-*
 21 *dence, Rhode Island.*

22 *(3) The term “Secretary” means the Secretary of*
 23 *the Army, acting through the Chief of Engineers.*

24 *(b) Not later than 2 years after the date of enactment*
 25 *of this Act, the Secretary shall assume responsibility for the*
 26 *annual operation and maintenance of the Barrier.*

1 “(c) *CONTRACT AUTHORITY.*—*Except as otherwise*
 2 *provided in this section, funds authorized to be appro-*
 3 *priated under this section shall be available for obligation*
 4 *in the same manner as if the funds were apportioned under*
 5 *chapter 1 of title 23, United States Code.”.*

6 (b) *Of the unobligated balances of funds apportioned*
 7 *to each State under chapter 1 of title 23, United States*
 8 *Code, \$50,000,000 is rescinded.*

9 *SIGN REPAIR OR REPLACEMENT*

10 *SEC. 9041. Notwithstanding part 750 of title 23, Code*
 11 *of Federal Regulations (or a successor regulation), if per-*
 12 *mitted by State law, a nonconforming sign that is or has*
 13 *been damaged, destroyed, abandoned, or discontinued as a*
 14 *result of a hurricane that is determined to be an act of God*
 15 *(as defined by State law) may be repaired, replaced, or re-*
 16 *constructed if the replacement sign has the same dimensions*
 17 *as the original sign, and said sign is located within a State*
 18 *found within Federal Emergency Management Agency Re-*
 19 *gion IV or VI. The provisions of this section shall cease to*
 20 *be in effect thirty-six months following the date of enact-*
 21 *ment of this Act.*

22 *CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION*

23 *BARRIER, ILLINOIS*

24 *SEC. 9042. (a) IN GENERAL.*—*Of the unobligated bal-*
 25 *ances available for “OPERATION AND MAINTENANCE” under*
 26 *the heading “CORPS OF ENGINEERS—CIVIL” of title I of*

1 *the Energy and Water Development Appropriations Act,*
2 *2006 (Public Law 109–103; 119 Stat. 2250), \$400,000 shall*
3 *be made available for fiscal year 2006 for the maintenance*
4 *of the Chicago Sanitary and Ship Canal Demonstration*
5 *Barrier, Illinois, which was constructed under section*
6 *1202(i)(3) of the Nonindigenous Aquatic Nuisance Preven-*
7 *tion and Control Act of 1990 (16 U.S.C. 4722(i)(3)).*

8 *This Act may be cited as the “Emergency Supple-*
9 *mental Appropriations Act for Defense, the Global War on*
10 *Terror, and Hurricane Recovery, 2006”.*

Attest:

Secretary.

109TH CONGRESS
2^D SESSION

H. R. 4939

AMENDMENT