

108TH CONGRESS  
1ST SESSION

# H. R. 3289

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## AN ACT

Making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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, 2004, and for other pur-  
4 poses, namely:

5 TITLE I—NATIONAL SECURITY

6 CHAPTER 1

7 DEPARTMENT OF DEFENSE—MILITARY

8 MILITARY PERSONNEL

9 MILITARY PERSONNEL, ARMY

10 For an additional amount for “Military Personnel,  
11 Army”, \$12,188,870,000: *Provided*, That the entire  
12 amount is designated by the Congress as an emergency  
13 requirement pursuant to section 502 of H. Con. Res. 95  
14 (108th Congress), the concurrent resolution on the budget  
15 for fiscal year 2004.

16 MILITARY PERSONNEL, NAVY

17 For an additional amount for “Military Personnel,  
18 Navy”, \$816,100,000: *Provided*, That the entire amount  
19 is designated by the Congress as an emergency require-  
20 ment pursuant to section 502 of H. Con. Res. 95 (108th  
21 Congress), the concurrent resolution on the budget for fis-  
22 cal year 2004.

23 MILITARY PERSONNEL, MARINE CORPS

24 For an additional amount for “Military Personnel,  
25 Marine Corps”, \$753,190,000: *Provided*, That the entire

1 amount is designated by the Congress as an emergency  
2 requirement pursuant to section 502 of H. Con. Res. 95  
3 (108th Congress), the concurrent resolution on the budget  
4 for fiscal year 2004.

5           MILITARY PERSONNEL, AIR FORCE

6           For an additional amount for “Military Personnel,  
7 Air Force”, \$3,384,700,000: *Provided*, That the entire  
8 amount is designated by the Congress as an emergency  
9 requirement pursuant to section 502 of H. Con. Res. 95  
10 (108th Congress), the concurrent resolution on the budget  
11 for fiscal year 2004.

12           OPERATION AND MAINTENANCE

13           OPERATION AND MAINTENANCE, ARMY

14           For an additional amount for “Operation and Main-  
15 tenance, Army”, \$24,355,664,000 (decreased by  
16 \$98,000,000): *Provided*, That the entire amount is des-  
17 ignated by the Congress as an emergency requirement  
18 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
19 gress), the concurrent resolution on the budget for fiscal  
20 year 2004.

21           OPERATION AND MAINTENANCE, NAVY

22           (INCLUDING TRANSFER OF FUNDS)

23           For an additional amount for “Operation and Main-  
24 tenance, Navy”, \$1,934,058,000, of which up to  
25 \$80,000,000 may be transferred to the Department of

1 Homeland Security for Coast Guard Operations: *Provided*,  
2 That the entire amount is designated by the Congress as  
3 an emergency requirement pursuant to section 502 of H.  
4 Con. Res. 95 (108th Congress), the concurrent resolution  
5 on the budget for fiscal year 2004.

6 OPERATION AND MAINTENANCE, MARINE CORPS

7 For an additional amount for “Operation and Main-  
8 tenance, Marine Corps”, \$1,198,981,000: *Provided*, That  
9 the entire amount is designated by the Congress as an  
10 emergency requirement pursuant to section 502 of H.  
11 Con. Res. 95 (108th Congress), the concurrent resolution  
12 on the budget for fiscal year 2004.

13 OPERATION AND MAINTENANCE, AIR FORCE

14 For an additional amount for “Operation and Main-  
15 tenance, Air Force”, \$5,598,368,000: *Provided*, That the  
16 entire amount is designated by the Congress as an emer-  
17 gency requirement pursuant to section 502 of H. Con.  
18 Res. 95 (108th Congress), the concurrent resolution on  
19 the budget for fiscal year 2004.

20 OPERATION AND MAINTENANCE, DEFENSE-WIDE

21 For an additional amount for “Operation and Main-  
22 tenance, Defense-Wide”, \$4,485,452,000 (reduced by  
23 \$50,000,000) (increased by \$50,000,000), of which—

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

4           (2) not to exceed \$1,300,000,000, to remain  
5 available until expended, may be used, notwith-  
6 standing any other provision of law, for payments to  
7 reimburse Pakistan, Jordan, and other key cooper-  
8 ating nations, for logistical and military support pro-  
9 vided, or to be provided, to United States military  
10 operations in connection with military action in Iraq  
11 and the global war on terrorism: *Provided*, That  
12 such payments may be made in such amounts as the  
13 Secretary of Defense, with the concurrence of the  
14 Secretary of State, and in consultation with the Di-  
15 rector of the Office of Management and Budget,  
16 may determine, in his discretion, based on docu-  
17 mentation determined by the Secretary of Defense to  
18 adequately account for the support provided, and  
19 such determination is final and conclusive upon the  
20 accounting officers of the United States, and 15  
21 days following notification to the appropriate con-  
22 gressional committees: *Provided further*, That the  
23 Secretary of Defense shall provide quarterly reports  
24 to the Committees on Appropriations on the use of  
25 these funds: *Provided further*, That the entire

1 amount is designated by the Congress as an emer-  
2 gency requirement pursuant to section 502 of H.  
3 Con. Res. 95 (108th Congress), the concurrent reso-  
4 lution on the budget for fiscal year 2004.

5 OPERATION AND MAINTENANCE, MARINE CORPS  
6 RESERVE

7 For an additional amount for “Operation and Main-  
8 tenance, Marine Corps Reserve”, \$16,000,000: *Provided*,  
9 That the entire amount is designated by the Congress as  
10 an emergency requirement pursuant to section 502 of H.  
11 Con. Res. 95 (108th Congress), the concurrent resolution  
12 on the budget for fiscal year 2004.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For an additional amount for “Operation and Main-  
15 tenance, Air Force Reserve”, \$53,000,000: *Provided*, That  
16 the entire amount is designated by the Congress as an  
17 emergency requirement pursuant to section 502 of H.  
18 Con. Res. 95 (108th Congress), the concurrent resolution  
19 on the budget for fiscal year 2004.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for “Operation and Main-  
22 tenance, Air National Guard”, \$214,000,000: *Provided*,  
23 That the entire amount is designated by the Congress as  
24 an emergency requirement pursuant to section 502 of H.

1 Con. Res. 95 (108th Congress), the concurrent resolution  
2 on the budget for fiscal year 2004.

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

4 For an additional amount for “Overseas Humanitarian,  
5 tarian, Disaster, and Civic Aid”, \$35,500,000: *Provided*,  
6 That the entire amount is designated by the Congress as  
7 an emergency requirement pursuant to section 502 of H.  
8 Con. Res. 95 (108th Congress), the concurrent resolution  
9 on the budget for fiscal year 2004.

10 IRAQ FREEDOM FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For “Iraq Freedom Fund”, \$1,988,600,000 (in-  
13 creased by \$98,000,000), to remain available for transfer  
14 until September 30, 2005, for the purposes authorized  
15 under this heading in Public Law 108–11: *Provided*, That  
16 the Secretary of Defense may transfer the funds provided  
17 herein to appropriations for military personnel; operation  
18 and maintenance; Overseas Humanitarian, Disaster, and  
19 Civic Aid; procurement; military construction; the Defense  
20 Health Program; and working capital funds: *Provided fur-*  
21 *ther*, That funds transferred shall be merged with and be  
22 available for the same purposes and for the same time pe-  
23 riod as the appropriation or fund to which transferred:  
24 *Provided further*, That this transfer authority is in addi-  
25 tion to any other transfer authority available to the De-

1 partment of Defense: *Provided further*, That upon a deter-  
2 mination that all or part of the funds transferred from  
3 this appropriation are not necessary for the purposes pro-  
4 vided herein, such amounts may be transferred back to  
5 this appropriation: *Provided further*, That the Secretary  
6 of Defense shall, not fewer than 5 days prior to making  
7 transfers from this appropriation, notify the congressional  
8 defense committees of any such transfer: *Provided further*,  
9 That the Secretary shall submit a report no later than  
10 30 days after the end of each fiscal quarter to the congres-  
11 sional defense committees summarizing the details of the  
12 transfer of funds from this appropriation: *Provided fur-*  
13 *ther*, That the entire amount is designated by the Congress  
14 as an emergency requirement pursuant to section 502 of  
15 H. Con. Res. 95 (108th Congress), the concurrent resolu-  
16 tion on the budget for fiscal year 2004.

## 17 PROCUREMENT

### 18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

#### 19 VEHICLES, ARMY

20 For an additional amount for “Procurement of Weap-  
21 ons and Tracked Combat Vehicles, Army”, \$101,600,000,  
22 to remain available until September 30, 2006: *Provided*,  
23 That the entire amount is designated by the Congress as  
24 an emergency requirement pursuant to section 502 of H.

1 Con. Res. 95 (108th Congress), the concurrent resolution  
2 on the budget for fiscal year 2004.

3 OTHER PROCUREMENT, ARMY

4 For an additional amount for “Other Procurement,  
5 Army”, \$1,250,287,000, to remain available until Sep-  
6 tember 30, 2006: *Provided*, That the entire amount is des-  
7 ignated by the Congress as an emergency requirement  
8 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
9 gress), the concurrent resolution on the budget for fiscal  
10 year 2004.

11 AIRCRAFT PROCUREMENT, NAVY

12 For an additional amount for “Aircraft Procurement,  
13 Navy”, \$158,600,000, to remain available until September  
14 30, 2006: *Provided*, That the entire amount is designated  
15 by the Congress as an emergency requirement pursuant  
16 to section 502 of H. Con. Res. 95 (108th Congress), the  
17 concurrent resolution on the budget for fiscal year 2004.

18 OTHER PROCUREMENT, NAVY

19 For an additional amount for “Other Procurement,  
20 Navy”, \$76,357,000, to remain available until September  
21 30, 2006: *Provided*, That the entire amount is designated  
22 by the Congress as an emergency requirement pursuant  
23 to section 502 of H. Con. Res. 95 (108th Congress), the  
24 concurrent resolution on the budget for fiscal year 2004.

## 1                   PROCUREMENT, MARINE CORPS

2           For an additional amount for “Procurement, Marine  
3 Corps”, \$123,397,000, to remain available until Sep-  
4 tember 30, 2006: *Provided*, That the entire amount is des-  
5 ignated by the Congress as an emergency requirement  
6 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
7 gress), the concurrent resolution on the budget for fiscal  
8 year 2004.

## 9                   AIRCRAFT PROCUREMENT, AIR FORCE

10          For an additional amount for “Aircraft Procurement,  
11 Air Force”, \$53,972,000, to remain available until Sep-  
12 tember 30, 2006: *Provided*, That the entire amount is des-  
13 ignated by the Congress as an emergency requirement  
14 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
15 gress), the concurrent resolution on the budget for fiscal  
16 year 2004.

## 17                  MISSILE PROCUREMENT, AIR FORCE

18          For an additional amount for “Missile Procurement,  
19 Air Force”, \$20,450,000, to remain available until Sep-  
20 tember 30, 2006: *Provided*, That the entire amount is des-  
21 ignated by the Congress as an emergency requirement  
22 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
23 gress), the concurrent resolution on the budget for fiscal  
24 year 2004.

## 1                   OTHER PROCUREMENT, AIR FORCE

2           For an additional amount for “Other Procurement,  
3 Air Force”, \$3,418,006,000, to remain available until  
4 September 30, 2006: *Provided*, That the entire amount is  
5 designated by the Congress as an emergency requirement  
6 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
7 gress), the concurrent resolution on the budget for fiscal  
8 year 2004.

## 9                   PROCUREMENT, DEFENSE-WIDE

10          For an additional amount for “Procurement, De-  
11 fense-Wide”, \$418,635,000, to remain available until Sep-  
12 tember 30, 2006: *Provided*, That the entire amount is des-  
13 ignated by the Congress as an emergency requirement  
14 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
15 gress), the concurrent resolution on the budget for fiscal  
16 year 2004.

17           RESEARCH, DEVELOPMENT, TEST AND  
18   EVALUATION19   RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
20   NAVY

21          For an additional amount for “Research, Develop-  
22 ment, Test and Evaluation, Navy”, \$34,000,000, to re-  
23 main available until September 30, 2005: *Provided*, That  
24 the entire amount is designated by the Congress as an  
25 emergency requirement pursuant to section 502 of H.

1 Con. Res. 95 (108th Congress), the concurrent resolution  
2 on the budget for fiscal year 2004.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 AIR FORCE

5 For an additional amount for “Research, Develop-  
6 ment, Test and Evaluation, Air Force”, \$39,070,000, to  
7 remain available until September 30, 2005: *Provided*,  
8 That the entire amount is designated by the Congress as  
9 an emergency requirement pursuant to section 502 of H.  
10 Con. Res. 95 (108th Congress), the concurrent resolution  
11 on the budget for fiscal year 2004.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
13 DEFENSE-WIDE

14 For an additional amount for “Research, Develop-  
15 ment, Test and Evaluation, Defense-Wide”,  
16 \$195,817,000, to remain available until September 30,  
17 2005: *Provided*, That the entire amount is designated by  
18 the Congress as an emergency requirement pursuant to  
19 section 502 of H. Con. Res. 95 (108th Congress), the con-  
20 current resolution on the budget for fiscal year 2004.

21 REVOLVING AND MANAGEMENT FUNDS

22 DEFENSE WORKING CAPITAL FUNDS

23 For an additional amount for “Defense Working  
24 Capital Funds”, \$600,000,000: *Provided*, That the entire  
25 amount is designated by the Congress as an emergency

1 requirement pursuant to section 502 of H. Con. Res. 95  
2 (108th Congress), the concurrent resolution on the budget  
3 for fiscal year 2004.

4 NATIONAL DEFENSE SEALIFT FUND

5 For an additional amount for “National Defense Sea-  
6 lift Fund”, \$24,000,000, to remain available until ex-  
7 pended: *Provided*, That the entire amount is designated  
8 by the Congress as an emergency requirement pursuant  
9 to section 502 of H. Con. Res. 95 (108th Congress), the  
10 concurrent resolution on the budget for fiscal year 2004.

11 OTHER DEPARTMENT OF DEFENSE PROGRAMS

12 DEFENSE HEALTH PROGRAM

13 For an additional amount for “Defense Health Pro-  
14 gram”, \$658,380,000 for Operation and maintenance:  
15 *Provided*, That the entire amount is designated by the  
16 Congress as an emergency requirement pursuant to sec-  
17 tion 502 of H. Con. Res. 95 (108th Congress), the concur-  
18 rent resolution on the budget for fiscal year 2004.

19 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

20 DEFENSE

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Drug Interdiction and  
23 Counter-Drug Activities, Defense”, \$73,000,000: *Pro-*  
24 *vided*, That these funds may be used for such activities  
25 related to Afghanistan: *Provided further*, That the Sec-

1 retary of Defense may transfer the funds provided herein  
2 only to appropriations for military personnel; operation  
3 and maintenance; procurement; and research, develop-  
4 ment, test and evaluation: *Provided further*, That the  
5 funds transferred shall be merged with and be available  
6 for the same purposes and for the same time period, as  
7 the appropriation to which transferred: *Provided further*,  
8 That the transfer authority provided in this paragraph is  
9 in addition to any other transfer authority available to the  
10 Department of Defense: *Provided further*, That the entire  
11 amount is designated by the Congress as an emergency  
12 requirement pursuant to section 502 of H. Con. Res. 95  
13 (108th Congress), the concurrent resolution on the budget  
14 for fiscal year 2004.

#### 15 RELATED AGENCIES

##### 16 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Intelligence Commu-  
19 nity Management Account”, \$21,500,000, to remain avail-  
20 able until September 30, 2005; of which \$3,000,000 may  
21 be transferred to and merged with the Department of En-  
22 ergy, “Other Defense Activities”, and \$15,500,000 may  
23 be transferred to and merged with the Federal Bureau of  
24 Investigation, “Salaries and Expenses”: *Provided*, That all  
25 such amounts are designated by the Congress as an emer-

1 gency requirement pursuant to section 502 of H. Con.  
2 Res. 95 (108th Congress), the concurrent resolution on  
3 the budget for fiscal year 2004.

4           GENERAL PROVISIONS—THIS CHAPTER

5                           (TRANSFER OF FUNDS)

6           SEC. 1101. Upon his determination that such action  
7 is necessary in the national interest, the Secretary of De-  
8 fense may transfer between appropriations up to  
9 \$3,000,000,000 of the funds made available to the De-  
10 partment of Defense in this chapter: *Provided*, That the  
11 Secretary shall notify the Congress promptly of each  
12 transfer made pursuant to this authority: *Provided further*,  
13 That the transfer authority provided in this section is in  
14 addition to any other transfer authority available to the  
15 Department of Defense: *Provided further*, That the au-  
16 thority in this section is subject to the same terms and  
17 conditions as the authority provided in section 8005 of the  
18 Department of Defense Appropriations Act, 2004, except  
19 for the fourth proviso: *Provided further*, That the entire  
20 amount is designated by the Congress as an emergency  
21 requirement pursuant to section 502 of H. Con. Res. 95  
22 (108th Congress), the concurrent resolution on the budget  
23 for fiscal year 2004.

24           SEC. 1102. Funds appropriated in this Act, or made  
25 available by the transfer of funds in or pursuant to this

1 Act, for intelligence activities are deemed to be specifically  
2 authorized by the Congress for purposes of section 504  
3 of the National Security Act of 1947 (50 U.S.C. 414).

4 SEC. 1103. Sections 1318 and 1319 of the Emer-  
5 gency Wartime Supplemental Appropriations Act, 2003  
6 (Public Law 108–11; 117 Stat. 571), shall remain in ef-  
7 fect during fiscal year 2004.

8 SEC. 1104. From October 1, 2003, through Sep-  
9 tember 30, 2004, (a) the rates of pay authorized by sec-  
10 tion 310(a) of title 37, United States Code, shall be \$225;  
11 and (b) the rates of pay authorized by section 427(a)(1)  
12 of title 37, United States Code, shall be \$250.

13 SEC. 1105. DEFENSE EMERGENCY RESPONSE FUND  
14 CLOSE-OUT AUTHORITY.—(a) Section 1313 of the Emer-  
15 gency Wartime Supplemental Appropriations Act, 2003  
16 (Public Law 108–11; 117 Stat. 569), is amended by in-  
17 serting “unobligated” before “balances”.

18 (b) Effective November 1, 2003, adjustments to obli-  
19 gations that before such date would have been properly  
20 chargeable to the Defense Emergency Response Fund  
21 shall be charged to any current appropriations account of  
22 the Department of Defense available for the same purpose.

23 SEC. 1106. During the current year, funds made  
24 available in this Act to the Department of Defense for op-  
25 eration and maintenance may be used, notwithstanding

1 any other provision of law, to provide supplies, services,  
2 transportation, including airlift and sealift, and other  
3 logistical support to coalition forces supporting military  
4 and stability operations in Iraq: *Provided*, That the Sec-  
5 retary of Defense shall provide quarterly reports to the  
6 congressional defense committees regarding support pro-  
7 vided under this section.

8       SEC. 1107. Notwithstanding any other provision of  
9 law, from funds made available in this Act to the Depart-  
10 ment of Defense under “Operation and Maintenance, De-  
11 fense-Wide”, not to exceed \$100,000,000 may be used by  
12 the Secretary of Defense, with the concurrence of the Sec-  
13 retary of State, to provide assistance only to the New Iraqi  
14 Army and the Afghan National Army to enhance their ca-  
15 pability to combat terrorism and to support U.S. military  
16 operations in Iraq and Afghanistan: *Provided*, That such  
17 assistance may include the provision of equipment, sup-  
18 plies, services, training and funding: *Provided further*,  
19 That the authority to provide assistance under this section  
20 is in addition to any other authority to provide assistance  
21 to foreign nations: *Provided further*, That the Secretary  
22 of Defense shall notify the congressional defense commit-  
23 tees not less than 15 days before providing assistance  
24 under the authority of this section.

1       SEC. 1108. None of the funds provided in this chap-  
2 ter may be used to finance programs or activities denied  
3 by Congress in fiscal year 2004 appropriations to the De-  
4 partment of Defense or to initiate a procurement or re-  
5 search, development, test and evaluation new start pro-  
6 gram without prior notification to the congressional de-  
7 fense committees.

8       SEC. 1109. In addition to amounts made available  
9 elsewhere in this Act, there is hereby appropriated to the  
10 Department of Defense \$413,300,000, to be used only for  
11 recovery and repair of damage due to natural disasters  
12 including Hurricane Isabel, to be distributed as follows:

13           “Operation and Maintenance, Army”,  
14       \$73,600,000;

15           “Operation and Maintenance, Navy”,  
16       \$126,400,000;

17           “Operation and Maintenance, Marine Corps”,  
18       \$9,200,000;

19           “Operation and Maintenance, Air Force”,  
20       \$201,900,000; and

21           “Other Procurement, Air Force”, \$2,200,000:

22 *Provided*, That the entire amount is designated by the  
23 Congress as an emergency requirement pursuant to sec-  
24 tion 502 of H. Con. Res. 95 (108th Congress), the concur-  
25 rent resolution on the budget for fiscal year 2004.

1        SEC. 1110. During the current fiscal year, from  
2 funds made available in this Act to the Department of De-  
3 fense for operation and maintenance, not to exceed  
4 \$180,000,000 may be used, notwithstanding any other  
5 provision of law, to fund the Commander's Emergency Re-  
6 sponse Program, established by the Administrator of the  
7 Coalition Provisional Authority for the purpose of enabling  
8 military commanders in Iraq to respond to urgent humani-  
9 tarian relief and reconstruction requirements within their  
10 areas of responsibility by carrying out programs that will  
11 immediately assist the Iraqi people, and to establish and  
12 fund a similar program to assist the people of Afghani-  
13 stan: *Provided*, That the Secretary of Defense shall pro-  
14 vide quarterly reports, beginning on January 15, 2004,  
15 to the congressional defense committees regarding the  
16 source of funds and the allocation and use of funds made  
17 available pursuant to the authority provided in this sec-  
18 tion.

19        SEC. 1111. Not later than 30 days after the date of  
20 the enactment of this Act, the Secretary of Defense shall  
21 submit to the congressional defense committees a report  
22 describing an Analysis of Alternatives for replacing the ca-  
23 pabilities of the existing Air Force fleet of KC-135 tanker  
24 aircraft.

1 ENHANCEMENTS TO EXEMPTION FOR MEMBERS WITH  
2 COMBAT-RELATED INJURIES FROM REQUIREMENT  
3 FOR PAYMENT OF SUBSISTENCE CHARGES WHILE  
4 HOSPITALIZED

5 SEC. 1112. (a) EXEMPTION MADE PERMANENT.—  
6 Subsection (c) of section 1075 of title 10, United States  
7 Code (as added by section 8146(a)(2) of the Department  
8 of Defense Appropriations Act, 2004 (Public Law 108–  
9 87)), is repealed.

10 (b) RETROACTIVITY.—Subsection (b) of section 8146  
11 of the Department of Defense Appropriations Act, 2004  
12 (Public Law 108–87), is amended to read as follows:

13 “(b) EFFECTIVE DATE.—(1) Subsection (b)(2) of  
14 section 1075 of title 10, United States Code, as added by  
15 subsection (a), shall apply with respect to any period of  
16 hospitalization on or after September 11, 2001, because  
17 of an injury covered by that subsection that is incurred  
18 on or after that date.

19 “(2) The Secretary concerned (as defined in section  
20 101 of title 37, United States Code) shall take such action  
21 as necessary to implement paragraph (1), including—

22 “(A) refunding any amount previously paid  
23 under section 1075 of title 10, United States Code,  
24 by a person who, by reason of paragraph (1), is not  
25 required to make such payment; and



1 Congress as an emergency requirement pursuant to sec-  
2 tion 502 of H. Con. Res. 95 (108th Congress), the concur-  
3 rent resolution on the budget for fiscal year 2004.

4                   MILITARY CONSTRUCTION, NAVY

5           For an additional amount for “Military Construction,  
6 Navy”, \$45,530,000, to remain available until September  
7 30, 2008: *Provided*, That notwithstanding any other provi-  
8 sion of law, such funds may be obligated or expended to  
9 carry out military construction projects not otherwise au-  
10 thorized by law: *Provided further*, That the entire amount  
11 is designated by the Congress as an emergency require-  
12 ment pursuant to section 502 of H. Con. Res. 95 (108th  
13 Congress), the concurrent resolution on the budget for fis-  
14 cal year 2004.

15                   MILITARY CONSTRUCTION, AIR FORCE

16           For an additional amount for “Military Construction,  
17 Air Force”, \$292,550,000, to remain available until Sep-  
18 tember 30, 2008: *Provided*, That notwithstanding any  
19 other provision of law, such funds may be obligated or ex-  
20 pended to carry out planning and design and military con-  
21 struction projects not otherwise authorized by law: *Pro-*  
22 *vided further*, That the entire amount is designated by the  
23 Congress as an emergency requirement pursuant to sec-  
24 tion 502 of H. Con. Res. 95 (108th Congress), the concur-  
25 rent resolution on the budget for fiscal year 2004.

1 FAMILY HOUSING OPERATION AND MAINTENANCE,  
2 ARMY

3 For an additional amount for “Family Housing Oper-  
4 ation and Maintenance, Army”, \$8,151,000: *Provided*,  
5 That the entire amount is designated by the Congress as  
6 an emergency requirement pursuant to section 502 of H.  
7 Con. Res. 95 (108th Congress), the concurrent resolution  
8 on the budget for fiscal year 2004.

9 FAMILY HOUSING OPERATION AND MAINTENANCE,  
10 NAVY AND MARINE CORPS

11 For an additional amount for “Family Housing Oper-  
12 ation and Maintenance, Navy and Marine Corps”,  
13 \$6,280,000: *Provided*, That the entire amount is des-  
14 ignated by the Congress as an emergency requirement  
15 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
16 gress), the concurrent resolution on the budget for fiscal  
17 year 2004.

18 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR  
19 FORCE

20 For an additional amount for “Family Housing Oper-  
21 ation and Maintenance, Air Force”, \$6,981,000: *Provided*,  
22 That the entire amount is designated by the Congress as  
23 an emergency requirement pursuant to section 502 of H.  
24 Con. Res. 95 (108th Congress), the concurrent resolution  
25 on the budget for fiscal year 2004.

## 1           GENERAL PROVISION—THIS CHAPTER

2           SEC. 1301. (a) TEMPORARY AUTHORITY TO USE OP-  
3 ERATION AND MAINTENANCE FUNDS FOR MILITARY CON-  
4 STRUCTION PROJECTS.—During fiscal year 2004, the Sec-  
5 retary of Defense may use this section as authority to obli-  
6 gate appropriated funds available for operation and main-  
7 tenance to carry out a construction project outside the  
8 United States that the Secretary determines meets each  
9 of the following conditions:

10           (1) The construction is necessary to meet ur-  
11 gent military operational requirements of a tem-  
12 porary nature involving the use of the Armed Forces  
13 in support of Operation Iraqi Freedom or the Global  
14 War on Terrorism.

15           (2) The construction is not carried out at a  
16 military installation where the United States is rea-  
17 sonably expected to have a long-term presence.

18           (3) The United States has no intention of using  
19 the construction after the operational requirements  
20 have been satisfied.

21           (4) The level of construction is the minimum  
22 necessary to meet the temporary operational require-  
23 ments.

24           (b) LIMITATION ON USE OF AUTHORITY.—The total  
25 cost of the construction projects carried out under the au-

1 thority of this section using, in whole or in part, appro-  
2 priated funds available for operation and maintenance  
3 shall not exceed \$500,000,000 in fiscal year 2004.

4 (c) QUARTERLY REPORT.—(1) Not later than 30  
5 days after the end of each fiscal-year quarter of fiscal year  
6 2004, the Secretary of Defense shall submit to the con-  
7 gressional committees specified in subsection (e) a report  
8 on the worldwide obligation and expenditure during that  
9 quarter of appropriated funds available for operation and  
10 maintenance for construction projects.

11 (2) The report shall include with regard to each  
12 project the following:

13 (A) Certification that the conditions specified in  
14 subsection (a) are satisfied with regard to the con-  
15 struction project.

16 (B) A description of the purpose for which ap-  
17 propriated funds available for operation and mainte-  
18 nance are being obligated.

19 (C) Relevant documentation detailing the con-  
20 struction project.

21 (D) An estimate of the total cost of the con-  
22 struction project.

23 (E) The total amount obligated for the con-  
24 struction project as of the date of the submission of  
25 the report.

1           (d) RELATION TO OTHER AUTHORITIES.—The tem-  
2 porary authority provided by this section, and the limited  
3 authority provided by section 2805(c) of title 10, United  
4 States Code, to use appropriated funds available for oper-  
5 ation and maintenance to carry out a construction project  
6 are the only authorities available to the Secretary of De-  
7 fense and the Secretaries of the military departments to  
8 use appropriated funds available for operation and mainte-  
9 nance to carry out construction projects.

10           (e) CONGRESSIONAL COMMITTEES.—The congres-  
11 sional committees referred to in this section are the fol-  
12 lowing:

13           (1) The Committee on Armed Services and the  
14 Subcommittees on Defense and Military Construc-  
15 tion of the Committee on Appropriations of the Sen-  
16 ate.

17           (2) The Committee on Armed Services and the  
18 Subcommittees on Defense and Military Construc-  
19 tion of the Committee on Appropriations of the  
20 House of Representatives.

1 TITLE II—IRAQ AND AFGHANISTAN RECON-  
2 STRUCTION AND INTERNATIONAL ASSIST-  
3 ANCE

4 CHAPTER 1

5 DEPARTMENT OF JUSTICE

6 LEGAL ACTIVITIES

7 GENERAL LEGAL ACTIVITIES

8 For necessary expenses for “Salaries and Expenses,  
9 General Legal Activities”, \$15,000,000: *Provided*, That  
10 the entire amount is designated by the Congress as an  
11 emergency requirement pursuant to section 502 of H.  
12 Con. Res. 95 (108th Congress), the concurrent resolution  
13 on the budget for fiscal year 2004.

14 DEPARTMENT OF STATE AND RELATED AGENCY

15 DEPARTMENT OF STATE

16 ADMINISTRATION OF FOREIGN AFFAIRS

17 DIPLOMATIC AND CONSULAR PROGRAMS

18 (INCLUDING RESCISSION)

19 For necessary expenses for “Diplomatic and Consular  
20 Programs”, \$156,300,000, of which \$35,800,000 shall re-  
21 main available until expended. Of the funds appropriated  
22 under this heading in the Emergency Wartime Supple-  
23 mental Appropriations Act, 2003, \$35,800,000 are re-  
24 scinded. All such amounts are designated by the Congress  
25 as an emergency requirement pursuant to section 502 of



1                   INTERNATIONAL ORGANIZATIONS  
2    CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING  
3                    ACTIVITIES

4       For necessary expenses for “Contributions for Inter-  
5 national Peacekeeping Activities”, \$245,000,000, to re-  
6 main available until expended: *Provided*, That the entire  
7 amount is designated by the Congress as an emergency  
8 requirement pursuant to section 502 of H. Con. Res. 95  
9 (108th Congress), the concurrent resolution on the budget  
10 for fiscal year 2004.

11                   RELATED AGENCY  
12                    BROADCASTING BOARD OF GOVERNORS  
13                    INTERNATIONAL BROADCASTING OPERATIONS

14       For necessary expenses for “International Broad-  
15 casting Operations”, for activities related to the Middle  
16 East Television Network broadcasting to Iraq,  
17 \$40,000,000: *Provided*, That the entire amount is des-  
18 ignated by the Congress as an emergency requirement  
19 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
20 gress), the concurrent resolution on the budget for fiscal  
21 year 2004.

22                   GENERAL PROVISION—THIS CHAPTER

23       SEC. 2101. Funds appropriated under this chapter  
24 for the Broadcasting Board of Governors and the Depart-  
25 ment of State may be obligated and expended notwith-

1 standing section 313 of the Foreign Relations Authoriza-  
 2 tion Act, Fiscal Years 1994 and 1995, and section 15 of  
 3 the State Department Basic Authorities Act of 1956, as  
 4 amended.

5 CHAPTER 2

6 BILATERAL ECONOMIC ASSISTANCE

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 UNITED STATES AGENCY FOR INTERNATIONAL

9 DEVELOPMENT

10 OPERATING EXPENSES OF THE UNITED STATES AGENCY

11 FOR INTERNATIONAL DEVELOPMENT

12 For necessary expenses for “Operating Expenses of  
 13 the United States Agency for International Development”,  
 14 \$40,000,000, for direct support of operations in Afghani-  
 15 stan, to remain available until September 30, 2005: *Pro-*  
 16 *vided*, That the entire amount is designated by the Con-  
 17 gress as an emergency requirement pursuant to section  
 18 502 of H. Con. Res. 95 (108th Congress), the concurrent  
 19 resolution on the budget for fiscal year 2004.

20 OTHER BILATERAL ECONOMIC ASSISTANCE

21 IRAQ RELIEF AND RECONSTRUCTION FUND

22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses to carry out the purposes of  
 24 the Foreign Assistance Act of 1961, for security, relief,  
 25 rehabilitation and reconstruction in Iraq,

1 \$18,649,000,000, to remain available until September 30,  
2 2005, to be allocated as follows: \$3,243,000,000 for secu-  
3 rity and law enforcement; \$1,318,000,000 for justice, pub-  
4 lic safety infrastructure, and civil society; \$5,560,000,000  
5 for the electric sector; \$2,100,000,000 for oil infrastruc-  
6 ture; \$4,332,000,000 for water resources and sanitation;  
7 \$500,000,000 for transportation and telecommunications;  
8 \$370,000,000 for roads, bridges, and construction;  
9 \$793,000,000 for health care; \$153,000,000 for private  
10 sector development; and \$280,000,000 for education, refu-  
11 gees, human rights, democracy, and governance: *Provided*,  
12 That the President may reallocate up to 10 percent of any  
13 of the preceding allocations, except that the total for the  
14 allocation receiving such funds may not be increased by  
15 more than 20 percent: *Provided further*, That such re-  
16 allocations shall be subject to the regular notification pro-  
17 cedures of the Committees on Appropriations and section  
18 634A of the Foreign Assistance Act of 1961 and notifica-  
19 tions shall be transmitted at least 15 days in advance of  
20 the obligation of funds: *Provided further*, That an annual  
21 spending plan for reconstruction programs under the pre-  
22 ceding allocations, including project-by-project detail, shall  
23 be submitted by the President to the Committees on Ap-  
24 propriations not later than January 1, 2004, and shall be  
25 updated and submitted every 180 days thereafter: *Pro-*

1 *vided further*, That funds appropriated under this heading  
2 shall be apportioned only to the Coalition Provisional Au-  
3 thority in Iraq, the Department of State, the Department  
4 of Health and Human Services, the Department of Treas-  
5 ury, the Department of Defense, and the United States  
6 Agency for International Development: *Provided further*,  
7 That upon a determination that all or part of the funds  
8 so transferred from this appropriation are not necessary  
9 for the purposes provided herein, such amounts may be  
10 transferred back to this appropriation: *Provided further*,  
11 That of the amount appropriated in this paragraph, not  
12 less than \$35,000,000 shall be made available for adminis-  
13 trative expenses of the Department of State Bureau of  
14 International Narcotics and Law Enforcement Affairs and  
15 the United States Agency for International Development  
16 for support of the reconstruction activities in Iraq: *Pro-*  
17 *vided further*, That up to 1 percent of the amount appro-  
18 priated in this paragraph may be transferred to “Oper-  
19 ating Expenses of the Coalition Provisional Authority”,  
20 and that any such transfer shall be in accordance with  
21 the regular notification procedures of the Committees on  
22 Appropriations and section 634A of the Foreign Assist-  
23 ance Act of 1961: *Provided further*, That contributions of  
24 funds for the purposes provided herein from any person,  
25 foreign government, or international organization, may be

1 credited to this Fund and used for such purposes: *Pro-*  
2 *vided further*, That the Committees on Appropriations  
3 shall be notified quarterly of any collections pursuant to  
4 the previous proviso: *Provided further*, That the Coalition  
5 Provisional Authority shall work, in conjunction with rel-  
6 evant Iraqi officials, to ensure that a new Iraqi constitu-  
7 tion preserves full rights to religious freedom: *Provided*  
8 *further*, That, notwithstanding any other provision of law,  
9 10 percent of the total amount of funds apportioned to  
10 the United States Agency for International Development  
11 under this heading that are made available on a sub-  
12 contract basis shall be reserved for contracts with small  
13 business concerns, including small business concerns  
14 owned and controlled by veterans, small business concerns  
15 owned and controlled by service-disabled veterans,  
16 HUBZone small business concerns, small business con-  
17 cerns owned and controlled by socially and economically  
18 disadvantaged individuals, and small business concerns  
19 owned and controlled by women (as such terms are defined  
20 for purposes of the Small Business Act): *Provided further*,  
21 That the entire amount is designated by the Congress as  
22 an emergency requirement pursuant to section 502 of H.  
23 Con. Res. 95 (108th Congress), the concurrent resolution  
24 on the budget for fiscal year 2004.

1 OPERATING EXPENSES OF THE COALITION PROVISIONAL  
2 AUTHORITY

3 For necessary expenses of the Coalition Provisional  
4 Authority in Iraq, established pursuant to United Nations  
5 Security Council resolutions including Resolution 1483,  
6 for personnel costs, transportation, supply, equipment, fa-  
7 cilities, communications, logistics requirements, studies,  
8 physical security, media support, promulgation and en-  
9 forcement of regulations, and other activities needed to  
10 oversee and manage the relief and reconstruction of Iraq  
11 and the transition to democracy, \$858,000,000, to remain  
12 available until September 30, 2005: *Provided*, That the en-  
13 tire amount is designated by the Congress as an emer-  
14 gency requirement pursuant to section 502 of H. Con.  
15 Res. 95 (108th Congress), the concurrent resolution on  
16 the budget for fiscal year 2004.

17 ECONOMIC SUPPORT FUND

18 For necessary expenses for “Economic Support  
19 Fund”, \$872,000,000, to remain available until December  
20 31, 2004: *Provided*, That not less than \$672,000,000 is  
21 available only for accelerated assistance for Afghanistan:  
22 *Provided further*, That not to exceed \$30,000,000 may be  
23 used for activities related to disarmament, demobilization,  
24 and reintegration of militia combatants, including reg-  
25 istration of such combatants, notwithstanding section

1 531(e) of the Foreign Assistance Act of 1961: *Provided*  
2 *further*, That not to exceed \$2,000,000 may be used to  
3 provide additional policy experts in Afghan ministries and  
4 that not more than five senior advisors to the United  
5 States Ambassador may be deployed in Afghanistan: *Pro-*  
6 *vided further*, That \$60,000,000 shall be available for as-  
7 sistance to Afghan women and girls as authorized by sec-  
8 tion 103(a)(7) of the Afghanistan Freedom Support Act  
9 of 2002 (Public Law 107–327) and \$5,000,000 shall be  
10 available for the National Human Rights Commission of  
11 Afghanistan as authorized by section 103(a)(7)(B)(ii) of  
12 such Act: *Provided further*, That not less than  
13 \$17,250,000 is available only for security requirements  
14 that directly support United States and Coalition per-  
15 sonnel who are implementing assistance programs in Af-  
16 ghanistan, including the provision of adequate dedicated  
17 air transport and support for civilian personnel at provin-  
18 cial reconstruction team sites: *Provided further*, That upon  
19 the receipt by the Speaker of the House of Representatives  
20 and the President of the Senate of a determination by the  
21 President that the Government of Pakistan is fully cooper-  
22 ating with the United States in the global war on ter-  
23 rorism, not to exceed \$200,000,000 appropriated under  
24 this heading may be used for the costs, as defined in sec-  
25 tion 502 of the Congressional Budget Act of 1974, of

1 modifying direct loans and guarantees for Pakistan: *Pro-*  
2 *vided further*, That amounts that are made available under  
3 the previous proviso for the cost of modifying direct loans  
4 and guarantees shall not be considered “assistance” for  
5 the purposes of provisions of law limiting assistance to a  
6 country: *Provided further*, That the entire amount is des-  
7 ignated by the Congress as an emergency requirement  
8 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
9 gress), the concurrent resolution on the budget for fiscal  
10 year 2004.

11 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

12 (INCLUDING TRANSFERS OF FUNDS)

13 For necessary expenses for International Disaster  
14 and Famine Assistance utilizing the general authorities of  
15 section 491 of the Foreign Assistance Act of 1961, to re-  
16 spond to or prevent unforeseen complex foreign crises, es-  
17 pecially in Sudan and Liberia, \$100,000,000, and by  
18 transfer not to exceed 1 percent of the funds appropriated  
19 under any other heading in this chapter, to remain avail-  
20 able to the Secretary of State until September 30, 2005:  
21 *Provided*, That funds appropriated under this heading  
22 may be made available only pursuant to a determination  
23 by the President, after consultation with the appropriate  
24 congressional committees, that it is in the national interest  
25 and essential to efforts to reduce international terrorism

1 to furnish assistance on such terms and conditions as he  
2 may determine for such purposes, including support for  
3 peace and humanitarian intervention operations: *Provided*  
4 *further*, That none of these funds shall be available to re-  
5 spond to natural disasters: *Provided further*, That funds  
6 made available under this heading to respond to or prevent  
7 unforeseen complex foreign crises shall be subject to the  
8 regular notification procedures of the Committees on Ap-  
9 propriations: *Provided further*, That the entire amount is  
10 designated by the Congress as an emergency requirement  
11 pursuant to section 502 of H. Con. Res. 95 (108th Con-  
12 gress), the concurrent resolution on the budget for fiscal  
13 year 2004.

14 DEPARTMENT OF STATE

15 INTERNATIONAL NARCOTICS CONTROL AND LAW

16 ENFORCEMENT

17 For necessary expenses for “International Narcotics  
18 Control and Law Enforcement”, \$170,000,000, to remain  
19 available until December 31, 2004, for accelerated assist-  
20 ance for Afghanistan: *Provided*, That the entire amount  
21 is designated by the Congress as an emergency require-  
22 ment pursuant to section 502 of H. Con. Res. 95 (108th  
23 Congress), the concurrent resolution on the budget for fis-  
24 cal year 2004.

1 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND  
2 RELATED PROGRAMS

3 For necessary expenses for “Nonproliferation, Anti-  
4 Terrorism, Demining and Related Programs”,  
5 \$35,000,000, for accelerated assistance for Afghanistan:  
6 *Provided*, That the entire amount is designated by the  
7 Congress as an emergency requirement pursuant to sec-  
8 tion 502 of H. Con. Res. 95 (108th Congress), the concur-  
9 rent resolution on the budget for fiscal year 2004.

10 MILITARY ASSISTANCE

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 FOREIGN MILITARY FINANCING PROGRAM

13 For necessary expenses for the “Foreign Military Fi-  
14 nancing Program”, \$297,000,000, for accelerated assist-  
15 ance for Afghanistan: *Provided*, That the entire amount  
16 is designated by the Congress as an emergency require-  
17 ment pursuant to section 502 of H. Con. Res. 95 (108th  
18 Congress), the concurrent resolution on the budget for fis-  
19 cal year 2004.

20 PEACEKEEPING OPERATIONS

21 For necessary expenses for “Peacekeeping Oper-  
22 ations”, \$50,000,000, to support the global war on ter-  
23 rorism: *Provided*, That the entire amount is designated by  
24 the Congress as an emergency requirement pursuant to

1 section 502 of H. Con. Res. 95 (108th Congress), the con-  
2 current resolution on the budget for fiscal year 2004.

3 GENERAL PROVISIONS—THIS CHAPTER

4 SEC. 2201. None of the funds appropriated by this  
5 Act or any unexpended funds provided in Public Law 108–  
6 11 may be used to repay, in whole or in part, principal  
7 or interest on any loan or guarantee agreement entered  
8 into by the Government of Iraq with any private or public  
9 sector entity including with the government of any country  
10 (including any agency of such government or any entity  
11 owned in whole or in part by the government of such coun-  
12 try) or with any international financial institution, prior  
13 to May 1, 2003: *Provided*, That for the purpose of this  
14 section, the term “international financial institution” shall  
15 mean those institutions contained in section 530(b) of di-  
16 vision E of Public Law 108–7.

17 SEC. 2202. Notwithstanding any other provision of  
18 law, none of the funds appropriated by this Act under the  
19 heading “Iraq Relief and Reconstruction Fund” and made  
20 available under the same heading in Public Law 108–11  
21 may be used to enter into any Federal contract (including  
22 any follow-on contract) unless—

23 (1) the contract is entered into in accordance  
24 with title III of the Federal Property and Adminis-  
25 trative Services Act (41 U.S.C. 251 et seq.); and

1           (2) in any case in which procedures other than  
2 competitive procedures are to be used to enter into  
3 such a contract—

4           (A) if such procedures are to be used by  
5 reason of the application of a paragraph under  
6 section 303(c) of such Act (41 U.S.C. 253(c)),  
7 the head of the executive agency entering into  
8 the contract shall submit to the committees de-  
9 scribed in subsection (b), not later than 7 cal-  
10 endar days before award of the contract—

11           (i) notification of the use of such  
12 other procedures; and

13           (ii) the justification for such use, in-  
14 cluding the amount of the contract and a  
15 brief description of its scope, a discussion  
16 of how the executive agency identified and  
17 solicited offers from contractors, a list of  
18 the contractors solicited, and the justifica-  
19 tion and approval documents (as required  
20 under section 303(f)(1) of the Federal  
21 Property and Administrative Services Act  
22 of 1949 (41 U.S.C. 2534(f)(1)) on which  
23 was based the determination to use proce-  
24 dures other than competitive procedures.

1 (b) COMMITTEES.—The committees referred to in  
2 subsection (a)(2) are—

3 (1) the Committees on Government Reform, on  
4 International Relations, and on Appropriations of  
5 the House of Representatives; and

6 (2) the Committees on Governmental Affairs,  
7 on Foreign Relations, and on Appropriations of the  
8 Senate.

9 (c) APPLICABILITY.—This section shall not apply to  
10 contracts entered into before the date of the enactment  
11 of this Act or after September 30, 2010.

12 **SEC. 2203. PUBLIC DISCLOSURE OF NONCOMPETITIVE CON-**  
13 **TRACTING FOR THE RECONSTRUCTION OF**  
14 **INFRASTRUCTURE IN IRAQ.**

15 (a) DISCLOSURE REQUIRED.—

16 (1) PUBLICATION AND PUBLIC AVAILABILITY.—  
17 The head of an executive agency of the United  
18 States that enters into a contract for assistance for  
19 Iraq, using funds described in paragraph (3),  
20 through the use of procedures other than competitive  
21 procedures shall publish in the Federal Register or  
22 Commerce Business Daily and otherwise make avail-  
23 able to the public, not later than 7 days before the  
24 date on which the contract is entered into, except in  
25 the case of urgent and compelling contracts issued

1 pursuant to paragraph (2) of section 303(c) of the  
2 Federal Property and Administrative Services Act of  
3 1949 (41 U.S.C. 253(c)(2)), the following informa-  
4 tion:

5 (A) The amount of the contract.

6 (B) A brief description of the scope of the  
7 contract.

8 (C) A discussion of how the executive  
9 agency identified, and solicited offers from, po-  
10 tential contractors to perform the contract, to-  
11 gether with a list of the potential contractors  
12 that were issued solicitations for the offers.

13 (D) The justification and approval docu-  
14 ments (as required under section 303(f)(1) of  
15 the Federal Property and Administrative Serv-  
16 ices Act of 1949 (41 U.S.C. 253(f)(1)) on  
17 which was based the determination to use pro-  
18 cedures other than competitive procedures.

19 (2) FUNDS.—The funds referred to in para-  
20 graph (1) are—

21 (A) any funds available to carry out sec-  
22 tions 103 through 106 and chapter 4 of part II  
23 of the Foreign Assistance Act of 1961 (22  
24 U.S.C. 2151b–2151d; 2346 et seq.); and

1 (B) any funds appropriated by Public Law  
2 108–11 under the heading “Iraq Relief and Re-  
3 construction Fund” (in chapter 5 of title I; 117  
4 Stat. 573).

5 (3) APPLICABILITY.—Paragraph (1) shall not  
6 apply to contracts entered into before the date of the  
7 enactment of this Act or after September 30, 2010.

8 (b) CLASSIFIED INFORMATION.—

9 (1) AUTHORITY TO WITHHOLD.—The head of  
10 an executive agency may—

11 (A) withhold from publication and disclo-  
12 sure under subsection (a) any document that is  
13 classified for restricted access in accordance  
14 with a Executive order in the interest of na-  
15 tional defense or foreign policy; and

16 (B) redact any part so classified that is in  
17 a document not so classified before publication  
18 and disclosure of the document under sub-  
19 section (a).

20 (2) AVAILABILITY TO CONGRESS.—In any case  
21 in which the head of an executive agency withholds  
22 information under paragraph (1), the head of such  
23 executive agency shall make available an unredacted  
24 version of the document containing that information

1 to the chairman and ranking member of each of the  
2 following committees of Congress:

3 (A) The Committee on Governmental Af-  
4 fairs of the Senate and the Committee on Gov-  
5 ernment Reform of the House of Representa-  
6 tives.

7 (B) The Committees on Appropriations of  
8 the Senate and House of Representatives.

9 (C) Each committee that the head of the  
10 executive agency determines has legislative ju-  
11 risdiction for the operations of such department  
12 or agency to which the information related.

13 (c) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—  
14 Nothing in this section shall be construed as affecting obli-  
15 gations to disclose United States Government information  
16 under any other provision of law.

17 (d) DEFINITIONS.—In this section, the terms “com-  
18 petitive procedures” and “executive agency” have the  
19 meanings given such terms in section 4 of the Office of  
20 Federal Procurement Policy Act (41 U.S.C. 403).

21 SEC. 2204. Section 1503 of Public Law 108–11 is  
22 amended—

23 (1) by striking “equipment” and inserting in  
24 lieu thereof “equipment, including equipment”; and

1           (2) by striking “2004” and inserting in lieu  
2           thereof “2005”.

3           SEC. 2205. Section 1504 of Public Law 108–11 is  
4           amended by striking “controlled” and inserting “or small  
5           arms controlled”.

6           SEC. 2206. Section 202(b) of the Afghanistan Free-  
7           dom Support Act of 2002 (Public Law 107–327) is  
8           amended by striking “\$300,000,000” and inserting in lieu  
9           thereof “\$450,000,000”.

10          SEC. 2207. (a) Until January 2005, the Coalition  
11          Provisional Authority (CPA) shall, on a monthly basis,  
12          submit a report to the Committees on Appropriations and  
13          International Relations of the House of Representatives  
14          and the Committees on Appropriations and Foreign Rela-  
15          tions of the Senate that details, for the preceding month,  
16          Iraqi oil production and oil revenues, and uses of such rev-  
17          enues.

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

21          (c) The reports required by this section shall also be  
22          made publicly available, including through the CPA’s  
23          Internet website.

24          SEC. 2208. Any reference in this chapter to the “Coa-  
25          lition Provisional Authority in Iraq” shall be deemed to

1 include any successor United States Government entity  
2 with the same or substantially the same authorities and  
3 responsibilities as the Coalition Provisional Authority in  
4 Iraq.

5       SEC. 2209. Assistance or other financing under chap-  
6 ter 2 of this title may be provided for Iraq and Afghani-  
7 stan notwithstanding any other provision of law not con-  
8 tained in this Act that restricts assistance to foreign coun-  
9 tries and section 660 of the Foreign Assistance Act of  
10 1961: *Provided*, That funds made available for Iraq pursu-  
11 ant to this section shall be subject to the regular re-  
12 programming notification procedures of the Committees  
13 on Appropriations and section 634A of the Foreign Assist-  
14 ance Act of 1961, except that notification shall be trans-  
15 mitted at least 5 days in advance of obligation.

16       SEC. 2210. Funds made available in chapter 2 of this  
17 title are made available notwithstanding section 10 of  
18 Public Law 91–672 and section 15 of the State Depart-  
19 ment Basic Authorities Act of 1956, as amended.

20       SEC. 2211. Notwithstanding any other provision of  
21 law, the Overseas Private Investment Corporation is au-  
22 thorized to undertake any program authorized by title IV  
23 of the Foreign Assistance Act of 1961 in Iraq: *Provided*,  
24 That funds made available pursuant to the authority of  
25 this section shall be subject to the regular reprogramming

1 notification procedures of the Committees on Appropria-  
2 tions.

3 REPORT ON MILITARY OPERATIONS AND  
4 RECONSTRUCTION EFFORTS IN IRAQ AND AFGHANISTAN

5 SEC. 2212. (a) REPORT.—The President shall pre-  
6 pare and transmit to Congress on a quarterly basis a re-  
7 port on United States military operations and reconstruc-  
8 tion efforts in Iraq and Afghanistan.

9 (b) CONTENTS.—The report shall, at a minimum,  
10 contain the following information:

11 (1) A full accounting of amounts appropriated  
12 under this Act or any other Act that were expended  
13 during the preceding quarter for military operations  
14 and reconstruction efforts in Iraq and Afghanistan.

15 (2) A description of progress made in recon-  
16 struction efforts in Iraq and Afghanistan, particu-  
17 larly efforts relating to public safety, defense and  
18 law enforcement, energy infrastructure, water,  
19 sewer, roads, and other public works, transportation  
20 and telecommunications infrastructure, medical and  
21 hospital services, and private sector development.

22 (3) A description of progress made to reduce  
23 attacks against members of the United States  
24 Armed Forces in Iraq and Afghanistan.

1           (4) An analysis of the impact that military op-  
2           erations in Iraq and Afghanistan have had on overall  
3           readiness of the Armed Forces.

4           (5) An analysis of the impact that the extended  
5           deployment of members of the Armed Forces in con-  
6           nection with Operation Iraqi Freedom and Operation  
7           Enduring Freedom is having on recruiting and re-  
8           tention efforts in the active and reserve components.

9           (6) An estimate of the cost of repairing or re-  
10          placing the combat vehicles, aircraft, and other  
11          equipment damaged or destroyed by combat, by pro-  
12          longed use in Iraq and Afghanistan, or by exposure  
13          to the extreme climatic and terrain conditions in  
14          Iraq and Afghanistan.

15          (7) A description of progress made toward the  
16          establishment of an independent, sovereign, and  
17          democratic government for Iraq, including an esti-  
18          mated schedule for the drafting of a constitution  
19          and the holding of free and fair elections.

20          (8) A description of the extent of international  
21          participation in the stabilization and reconstruction  
22          of Iraq, including the amount and schedule for the  
23          provision of financial assistance by other countries  
24          and international organizations.

1           (9) The number of members of the Armed  
2 Forces (including national guard and reserve troops)  
3 deployed in connection with Operation Iraqi Free-  
4 dom and Operation Enduring Freedom, an estimate  
5 of the period of time for which such forces will be  
6 deployed, and a description of progress made in re-  
7 placing such forces with international or foreign  
8 peacekeeping units.

9           SEC. 2213. (a) REVIEW OF CONTRACTING PROCE-  
10 DURES.—The Comptroller General shall review each cov-  
11 ered contract and task or delivery order entered into dur-  
12 ing a review period to determine whether the procedures  
13 used to enter into the contracts and orders were in compli-  
14 ance with the requirements of this Act and other applica-  
15 ble laws and regulations.

16           (b) REPORT.—At the end of each review period, the  
17 Comptroller General shall submit to Congress a report on  
18 the results of the review.

19           (c) REVIEW PERIOD.—A review under subsection (a)  
20 shall be carried each quarter of a fiscal year, beginning  
21 with the first quarter beginning after the date of the en-  
22 actment of this Act.

23           (d) COVERED CONTRACTS AND ORDERS.—This sec-  
24 tion applies to any contract or task or delivery order en-

1 tered into using funds appropriated by this Act for foreign  
2 assistance if—

3           (1) in the case of a contract, the contract is in  
4 an amount in excess of the simplified acquisition  
5 threshold (as defined in section 4 of the Office of  
6 Federal Procurement Policy Act (41 U.S.C. 403),  
7 and

8           (2) in the case of a task or delivery order, the  
9 order is in an amount in excess of \$1,000,000.

#### 10 TITLE III—GENERAL PROVISIONS—THIS ACT

11       SEC. 3001. No part of any appropriation contained  
12 in this Act shall remain available for obligation beyond  
13 the current fiscal year unless expressly so provided herein.

14       SEC. 3002. None of the funds made available in this  
15 or any other Act for fiscal year 2004 may be used for  
16 any defense or reconstruction activities in Iraq or Afghani-  
17 stan coordinated by any officer of the United States Gov-  
18 ernment whose office is not subject to appointment by the  
19 President by and with the advice and consent of the Sen-  
20 ate.

21       SEC. 3003. For purposes of computing the amount  
22 of a payment for an eligible local educational agency under  
23 section 8003(a) of the Elementary and Secondary Edu-  
24 cation Act (20 U.S.C. 7703(a)), children enrolled in a  
25 school of such agency that would otherwise be eligible for

1 payment under section 8003(a)(1)(B) of such Act, but due  
2 to the deployment of both parents or legal guardians, or  
3 due to the death of a military parent or legal guardian  
4 while on active duty, are no longer eligible under such sec-  
5 tion, shall be considered as eligible students under such  
6 section, provided such students remain in average daily  
7 attendance at the same school that they attended prior  
8 to their change in eligibility status.

9       SEC. 3004. None of the funds made available by this  
10 Act may be provided to any unit of the security forces  
11 of a foreign country participating with coalition forces in  
12 Afghanistan or Iraq if the Secretary of State or the Sec-  
13 retary Defense has credible evidence that such unit has  
14 committed gross violations of human rights, unless the ap-  
15 propriate Secretary determines and reports to the Com-  
16 mittees on Appropriations that the government of such  
17 country is taking effective measures to bring the respon-  
18 sible members of the security forces unit to justice: *Pro-*  
19 *vided*, That nothing in this section shall be construed to  
20 withhold funds made available by this Act from any unit  
21 of the security forces of a foreign country not credibly al-  
22 leged to be involved in gross violations of human rights:  
23 *Provided further*, That in the event that funds are withheld  
24 from any unit pursuant to this section, the appropriate  
25 Secretary shall promptly inform the foreign government

1 of the basis for such action and shall, to the maximum  
2 extent practicable, assist the foreign government in taking  
3 effective measures to bring the responsible members of the  
4 security forces to justice.

5       SEC. 3005. None of the funds made available in this  
6 Act may be used for the participation of Iraq in the Orga-  
7 nization of Petroleum Exporting Countries (OPEC).

8       SEC. 3006. None of the funds made available in this  
9 Act may be used to fund any contract in contravention  
10 of section 8(d)(6) of the Small Business Act (15 U.S.C.  
11 637(d)(6)).

12       SEC. 3007. None of the amounts made available and  
13 allocated for oil infrastructure under the heading “IRAQ  
14 RELIEF AND RECONSTRUCTION FUND” may be used to  
15 enter into any contract using procedures other than com-  
16 petitive procedures.

17       This Act may be cited as the “Emergency Supple-  
18 mental Appropriations Act for Defense and for the Recon-  
19 struction of Iraq and Afghanistan, 2004”.

Passed the House of Representatives October 17,  
2003.

Attest:

*Clerk.*

108TH CONGRESS  
1ST SESSION

# H. R. 3289

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## AN ACT

Making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.