

with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 721 of this Act, shall take effect on the effective date of section 721 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 733. RELIGIOUS ORGANIZATIONS.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

“(C) It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien who is present in the United States in violation of law to carry on the vocation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.”

SEC. 734. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 721 and 731 shall take effect 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the measures being taken and the progress made in implementing this title.

TEXT OF AMENDMENTS

SA 466. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

REFUNDABLE WAGE DIFFERENTIAL CREDIT FOR
ACTIVATED MILITARY RESERVISTS

SEC. 1122. (a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

“SEC. 36. WAGE DIFFERENTIAL FOR ACTIVATED RESERVISTS.

“(a) IN GENERAL.—In the case of a qualified reservist, there shall be allowed as a credit

against the tax imposed by this subtitle an amount equal to the qualified active duty wage differential of such qualified reservist for the taxable year.

“(b) QUALIFIED ACTIVE DUTY WAGE DIFFERENTIAL.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified active duty wage differential’ means the daily wage differential of the qualified active duty reservist multiplied by the number of days such qualified reservist participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

“(2) DAILY WAGE DIFFERENTIAL.—The daily wage differential is an amount equal to the lesser of—

“(A) the excess of—

“(i) the qualified reservist's average daily qualified compensation, over

“(ii) the qualified reservist's average daily military pay while participating in qualified reserve component duty to the exclusion of the qualified reservist's normal employment duties, or

“(B) \$54.80.

“(3) AVERAGE DAILY QUALIFIED COMPENSATION.—

“(A) IN GENERAL.—The term ‘average daily qualified compensation’ means—

“(i) the qualified compensation of the qualified reservist for the one-year period ending on the day before the date the qualified reservist begins qualified reserve component duty, divided by

“(ii) 365.

“(B) QUALIFIED COMPENSATION.—The term ‘qualified compensation’ means—

“(i) compensation which is normally contingent on the qualified reservist's presence for work and which would be includable in gross income, and

“(ii) compensation which is not characterized by the qualified reservist's employer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a non-specific leave of absence.

“(4) AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—

“(A) IN GENERAL.—The term ‘average daily military pay and allowances’ means—

“(i) the amount paid to the qualified reservist during the taxable year as military pay and allowances on account of the qualified reservist's participation in qualified reserve component duty, determined as of the date the qualified reservist begins qualified reserve component duty, divided by

“(ii) the total number of days the qualified reservist participates in qualified reserve component duty during the taxable year, including time spent in travel status.

“(B) MILITARY PAY AND ALLOWANCES.—The term ‘military pay’ means pay as that term is defined in section 101(21) of title 37, United States Code, and the term ‘allowances’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

“(5) QUALIFIED RESERVE COMPONENT DUTY.—The term ‘qualified reserve component duty’ means—

“(A) active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code, or

“(B) full-time National Guard duty (as defined in section 101(19) of title 32, United States Code) which is ordered pursuant to a request by the President, for a period under 1 or more orders described in subparagraph (A) or (B) of more than 90 consecutive days.

“(C) QUALIFIED RESERVIST.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified reservist’ means an individual who is engaged in normal employment and is a member of—

“(A) the National Guard (as defined by section 101(c)(1) of title 10, United States Code), or

“(B) the Ready Reserve (as defined by section 10142 of title 10, United States Code).

“(2) NORMAL EMPLOYMENT.—The term ‘normal employment duties’ includes self-employment.

“(d) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a qualified reservist who is called or ordered to active duty for any of the following types of duty:

“(1) Active duty for training under any provision of title 10, United States Code.

“(2) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

“(3) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

“(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed the taxpayer under this section.”

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “, or from section 36 of such Code”.

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

“Sec. 36. Wage differential for activated reservists.

“Sec. 37. Overpayments of tax.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SA 467. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike lines 1 through 13.

SA 468. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, strike lines 10 through 20 and insert the following:

108-199 is amended by striking all after “made available” and substituting”, notwithstanding section 2218(c)(1) of title 10,

United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements, and that in making a grant to carry out this section, the Secretary of Defense shall solicit applications from not fewer than 4 such companies.

SA 469. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

Strike title IV and insert the following:

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

**DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", \$10,170,000, to remain available until September 30, 2008, for United States tsunami warning capabilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

**DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, NAVY**

For an additional amount for "Operation and Maintenance, Navy", \$124,100,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

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

OPERATION AND MAINTENANCE, AIR FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$29,150,000: *Provided*, That the amount provided under

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

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

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

CHAPTER 3

**DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD**

OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$350,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

**FUNDS APPROPRIATED TO THE PRESIDENT
OTHER BILATERAL ASSISTANCE
TSUNAMI RECOVERY AND RECONSTRUCTION FUND**

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, \$304,370,000, to remain available until September 30, 2006: *Provided*, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: *Provided further*, That of the amounts provided herein: up to \$10,000,000 may be transferred to and consolidated with "Development Credit Authority" for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to \$20,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to \$2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to \$500,000 may

be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development Office of Inspector General"; and up to \$5,000,000 may be transferred to and consolidated with "Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for United States citizen victims and related operations: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for environmental recovery activities in Aceh, Indonesia, to be administered by the United States Fish and Wildlife Service: *Provided further*, That of the funds appropriated under this heading, not less than \$12,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: *Provided further*, That of the funds appropriated under this heading, not less than \$25,000,000 should be made available for programs to prevent the spread of the Avian flu: *Provided further*, That of the funds appropriated under this heading, \$1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4501. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

AUTHORIZATION OF FUNDS

SEC. 4502. Funds appropriated by this chapter and chapter 2 of title II may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), section 10 of Public Law 91-672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SA 470. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

Strike title II and insert the following:

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

CHAPTER 1

**DEPARTMENT OF AGRICULTURE
FOREIGN AGRICULTURAL SERVICE
PUBLIC LAW 480 TITLE II GRANTS**

For additional expenses during the current fiscal year, not otherwise recoverable, and

unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$58,791,560, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", \$757,700,000, to remain available until September 30, 2006, of which \$10,000,000 is provided for security requirements in the detection of explosives: *Provided*, That of the funds appropriated under this heading, not less than \$250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", \$232,030,691, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", \$680,000,000, to remain available until September 30, 2006: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS
INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the broader Middle East, \$4,800,000, to remain available until September 30, 2006: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements" for capital improvements related to broadcasting to the broader Middle East, \$2,500,000, to remain available until September 30, 2006: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE
PRESIDENT
UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
INTERNATIONAL DISASTER AND FAMINE
ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$17,245,524, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: *Provided*, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TRANSITION INITIATIVES

For an additional amount for "Transition Initiatives", \$24,692,455, to remain available until expended, for necessary international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, to support transition to democracy and the long-term development of Sudan: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", \$24,400,000, to remain available until September 30, 2006: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", \$2,500,000, to remain available until September 30, 2006: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", \$1,631,300,000, to remain available until September 30, 2006: *Provided*, That of the funds appropriated under this heading, \$200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which \$50,000,000 should be made available for assistance for

Israel to help ease the movement of Palestinian people and goods in and out of Israel: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for assistance for displaced persons in Afghanistan: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 should be made available to support Afghan women's organizations that work to defend the legal rights of women and to increase women's political participation: *Provided further*, That of the funds appropriated under this heading, up to \$10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: *Provided further*, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for assistance to Ukraine, \$70,000,000, to remain available until September 30, 2006: *Provided*, That of the funds appropriated under this heading, \$5,000,000 shall be made available for democracy programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", \$258,682,864, to remain available until September 30, 2007, of which up to \$46,000,000 may be transferred to and merged with "Economic Support Fund" if the Secretary of State, after consultation with the Committees on Appropriations, determines that this transfer is the most effective and timely use of resources to carry out counternarcotics and reconstruction programs: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$108,400,000, to remain available until September 30, 2006: *Provided*, That of the funds appropriated under this heading, not less than \$55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NONPROLIFERATION, ANTI-TERRORISM,
DEMNING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demning and Related Programs”, \$22,979,156, to remain available until September 30, 2006, of which not to exceed \$5,879,156, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FUNDS APPROPRIATED TO THE
PRESIDENT

OTHER BILATERAL ASSISTANCE

GLOBAL WAR ON TERROR PARTNERS FUND
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, \$15,677,749, to remain available until expended: *Provided*, That these funds may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: *Provided further*, That funds made available under this heading may be transferred by the Secretary of State to other Federal agencies or accounts to carry out the purposes under this heading: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE
PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$250,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$210,000,000, to remain available until September 30, 2006, of which \$200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: *Provided*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that

such notifications shall be submitted no less than five days prior to the obligation of funds: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER
VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking “Iraq.”.

REPORTING REQUIREMENT

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel’s security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority’s cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat’s finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: *Provided*, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: *Provided further*, That up to \$5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under “Economic Support Fund” shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

(RESCISSION OF FUNDS)

SEC. 2103. The unexpended balance appropriated by Public Law 108-11 under the heading “Economic Support Fund” and made available for Turkey is rescinded.

DEMOCRACY EXCEPTION

SEC. 2104. Funds appropriated for fiscal year 2005 under the heading “Economic Support Fund” may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108-447.

SA 471. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

struction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, strike “\$592,000,000” and insert “\$106,000,000”.

SA 472. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. Notwithstanding any other provision of law, beginning in fiscal year 2005 and thereafter, none of the funds made available by this or any other Act shall be used to pay the salaries or expenses of any employee of any agency or office to implement or enforce section 908(b)(1)(A) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)(A)) or any other provision of law in a manner other than a manner that permits payment by the purchaser of an agricultural commodity or product to the seller, and receipt of the payment by the seller, at any time prior to—

- (1) the transfer of the title of the commodity or product to the purchaser; and
- (2) the release of control of the commodity or product to the purchaser.

SA 473. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

SA 474. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security

standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, strike line 17 and all that follows through page 158, line 19, and insert the following:

(e) SPOUSAL NOTIFICATION.—Section 1967(a)(3)(B) of title 38, United States Code, is amended—

- (1) by inserting “(i)” after “(B)”;
- (2) by adding at the end the following:
 - “(i) The Secretary shall make a good-faith effort to notify the spouse of a member if the member elects to—
 - “(I) change the amount of insurance coverage under this subsection; or
 - “(II) add a beneficiary other than the spouse.
 - “(iii) The failure of the Secretary to provide timely notification under clause (ii) shall not affect the validity of an election by the member.
 - “(iv) If a servicemember marries or remarries after making an election under clause (ii), the Secretary is not required to notify the spouse of such election. Elections made after marriage or remarriage are subject to the notice requirement under clause (ii)”.

SA 475. Mr. CRAIG (for himself, Mr. BAUCUS, Mr. ROBERTS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. (a) Notwithstanding any other provision of this Act, beginning in fiscal year 2005 and thereafter, none of the funds made available by this Act shall be used to pay the salaries or expenses of any employee of any agency or office to implement or enforce section 908(b)(1)(A) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)(A)) or any other provision of law in a manner other than a manner that permits payment by the purchaser of an agricultural commodity or product to the seller, and receipt of the payment by the seller, at any time prior to—

- (1) the transfer of the title of the commodity or product to the purchaser; and
- (2) the release of control of the commodity or product to the purchaser.

(b) Notwithstanding any other provision of this Act, beginning in fiscal year 2005 and thereafter, none of the funds made available by this Act shall be used to pay the salaries or expenses of any employee of any agency or office that refuses to authorize the issuance of a general license for travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, for travel to, from, or within

Cuba undertaken in connection with sales and marketing, including the organization and participation in product exhibitions, and the transportation by sea or air of products pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000.

(c) Notwithstanding any other provision of this Act, beginning in fiscal year 2005 and thereafter, none of the funds made available by this Act shall be used to pay the salaries or expenses of any employee of any agency or office that restricts the direct transfers from a Cuban financial institution to a United States financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000.

SA 476. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, between lines 21 and 22, insert the following:

SEC. 5134. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108-447) for the Lost River Watershed project, West Virginia, \$4,000,000 shall be transferred to the Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 36).

SA 477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary of Agriculture shall compensate eligible owners of flooded crop and grazing land in—

- (1) the Devils Lake basin; and
- (2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapa-

ble of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

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

- (A) land that has been flooded;
- (B) land that has been rendered inaccessible due to flooding; and
- (C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

- (A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and
- (B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

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

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

- (A) offer an eligible owner additional compensation; and
- (B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise

appropriated, to carry out this section \$20,000,000 for fiscal year 2005, to remain available until expended: *Provided*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

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

SA 478. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, after line 23, insert the following:

INDIAN HEALTH SERVICE

SEC. 5301. (a) In this section, the term "critical access facility" means a comprehensive ambulatory care center that provides services on a regional basis to Native Americans in Albuquerque, New Mexico, and surrounding areas.

(b) The Albuquerque Indian Health Center (also known as the "Albuquerque Indian Hospital") is designated as a critical access facility.

(c) There is authorized to be appropriated for the Albuquerque Indian Health Center \$8,000,000 for fiscal year 2006.

SA 479. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

ASSISTANCE PROGRAMS FOR MEMBERS OF THE ARMY RESERVE

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY RESERVE.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE" is hereby increased by \$34,000,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made

available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", as increased by subsection (a), \$34,000,000 shall be available for assistance programs for members of the Army Reserve as follows:

(1) \$17,600,000 shall be available for tuition assistance programs as authorized by law.

(2) \$4,300,000 shall be available for the welcome home warrior-citizen program.

(3) \$6,500,000 shall be available for the conduct of marriage workshops to assist members of the Army Reserve.

(4) \$5,600,000 shall be available for family programs.

SA 480. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY RESERVE.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE" is hereby increased by \$17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", as increased by subsection (a), \$17,600,000 shall be available for tuition assistance programs for members of the Army Reserve as authorized by law.

SA 481. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 169, between lines 8 and 9, insert the following:

ACCUMULATION OF LEAVE BY MEMBERS OF THE NATIONAL GUARD

SEC. 1122. Section 701(a) of title 10, United States Code, is amended by adding at the end the following new sentence: "In the case of a member of the Army National Guard of the United States or the Air National Guard of the United States who serves on active duty

for more than 179 consecutive days, full-time training or other full-time duty performed by such member during the 5-year period ending on the 180th day of such service under a provision of law referred to in the preceding sentence, while such member was in the status as a member of the National Guard, and for which such member was entitled to pay, is active service for the purposes of this section."

SA 482. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

REPORT ON IMPLEMENTATION OF POST DEPLOYMENT STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD

SEC. 1122. Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing the assessment of the Secretary of the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. The Secretary of the Army shall prepare the assessment in consultation with the Secretary of the Air Force.

SA 483. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 202, strike line 24, and insert "\$65,000,000, to remain available until September 30, 2006, of which \$5,000,000 shall be made available for costs associated with increases in immigration-related filings in district courts near the southwestern border of the United States:".

SA 484. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and

removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, line 2, strike “\$43,000,000” and insert “\$75,000,000”: *Provided*, That the Secretary of Defense is encouraged in the consideration of the use of such amount to give priority to the procurement of man-portable air defense (MANPAD) systems”.

SA 485. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SENSE OF CONGRESS ON MEMBERSHIP OF ISRAEL IN THE WESTERN EUROPEAN AND OTHERS GROUP AT THE UNITED NATIONS

SEC. 6047. (a) Congress makes the following findings:

(1) The election of member states of the United Nations to the major bodies of the United Nations is determined by groups organized within the United Nations, most of which are organized on a regional basis.

(2) Israel has been refused admission to the group comprised of member states from the Asian geographical region of the United Nations and is the only member state of the United Nations that remains outside its appropriate geographical region, and is thus denied full participation in the day-to-day work of the United Nations.

(3) On May 30, 2000, Israel accepted an invitation to become a temporary member of the Western European and Others Group of the United Nations.

(4) On May 21, 2004, Israel's membership to the Western European and Others Group was extended indefinitely.

(5) Israel is only allowed to participate in limited activities of the Western European and Others Group in the New York office of the United Nations, is excluded from discussions and consultations of the Group at the United Nations offices in Geneva, Nairobi, Rome, and Vienna, and, may not participate in United Nations conferences on human rights, racism, or other issues held in such locations.

(6) Membership in the Western European and Others Group includes the non-European countries of Canada, Australia, and the United States.

(7) Israel is linked to the member states of the Western European and Others Group by strong economic, political, and cultural ties.

(8) The Western European and Others Group, the only regional group of the United Nations that is not purely geographical, is comprised of countries that share a western democratic tradition.

(9) Israel is a free and democratic country and its voting pattern in the United Nations is consistent with that of the member states of the Western European and Others Group.

(b) It is the sense of Congress that—

(1) the President should direct the United States Permanent Representative to the

United Nations to seek an immediate end to the persistent and deplorable inequality experienced by Israel in the United Nations;

(2) Israel should be afforded the benefits of full membership in the Western European and Others Group at the United Nations and such membership would permit Israel to participate fully in the United Nations system and would serve the interests of the United States; and

(3) the Secretary should submit to Congress, on a regular basis, a report that describes actions taken by the United States Government to encourage the member states of the Western European and Others Group to accept Israel as a full member of such Group and the responses of such member states to those actions.

SA 486. Mr. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 204, between lines 4 and 5, insert the following:

CHAPTER 5

DEPARTMENT OF DEFENSE

MANTEO (SHALLOWBAG) BAY, NORTH CAROLINA OPERATIONS AND MAINTENANCE

For an additional amount to the Secretary of the Army, acting through the Chief of Engineers, for activities of the Corps of Engineers at Manteo (Shallowbag) Bay, North Carolina, \$6,500,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 487. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, after line 25, insert the following:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, for hiring border patrol agents, \$105,451,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CONSTRUCTION

For an additional amount for “Construction”, \$41,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING

The amount appropriated by title II for “Contributions to International Peace-keeping Activities” is hereby reduced by \$146,951,000 and the total amount appropriated by title II is hereby reduced by \$146,951,000.

SA 488. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 23 after the period insert the following:

CANDIDATE COUNTRIES

SEC. _____. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108-199) is amended—

(1) by striking “subparagraphs (A) and (B) of section 606(a)(1)”; and,

(2) inserting in lieu thereof “subsection (a) or (b) of section 606”.

SA 489. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, line 9, after the colon insert the following:

Provided further, That of the funds appropriated under this heading, not less than \$10,000,000 shall be made available for programs and activities which create new economic opportunities for women:

SA 490. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and

removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

PROTECTION OF THE GALAPAGOS

SEC. . (a) FINDINGS.—The Senate makes the following findings—

(1) The Galapagos Islands are a global treasure and World Heritage Site, and the future of the Galapagos is in the hands of the Government of Ecuador;

(2) The world depends on the Government of Ecuador to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos, including enforcing the Galapagos Special Law;

(3) There are concerns with the current leadership of the Galapagos National Park Service and that the biodiversity of the Galapagos and the Marine Reserve are not being properly managed or adequately protected; and

(4) The Government of Ecuador has reportedly given preliminary approval for commercial airplane flights to the Island of Isabela, which may cause irreparable harm to the biodiversity of the Galapagos, and has allowed the export of fins from sharks caught accidentally in the Marine Reserve, which encourages illegal fishing.

(b) Whereas, now therefore, be it

Resolved, That—

(1) The Senate strongly encourages the Government of Ecuador to—

(A) refrain from taking any action that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve;

(B) abide by the agreement to select the Directorship of the Galapagos National Park Service through a transparent process based on merit as previously agreed by the Government of Ecuador, international donors, and nongovernmental organizations; and

(C) enforce the Galapagos Special Law in its entirety, including the governance structure defined by the law to ensure effective control of migration to the Galapagos and sustainable fishing practices, and prohibit long-line fishing which threatens the survival of shark and marine turtle populations.

(2) The Department of State should—

(A) emphasize to the Government of Ecuador the importance the United States gives to these issues; and

(B) offer assistance to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos and the Marine Reserve and to sustain the livelihoods of the Galapagos population who depend on the marine ecosystem for survival.

SA 491. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 194, line 19 after the colon insert the following:

Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts owed to the United States or any agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004, including the Republic of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka: Provided further, That of the funds appropriated under this heading, up to \$45,000,000 may be made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not be considered "assistance" for the purposes of provisions of law limiting assistance to any such affected country:

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

NEPAL

SEC. (a) FINDINGS.—The Senate makes the following findings—

That, on February 1, 2005, Nepal's King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

That, despite condemnation of the King's actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy.

That, there are concerns that the King's actions will strengthen Nepal's Maoist Insurgency.

That, while some political leaders have been released from custody, there have been new arrests of human rights activists and representatives of other civil society organizations.

That, the King has thwarted efforts of members of the National Human Rights Commission to conduct monitoring activities, but recently agreed to permit the United Nations High Commissioner for Human Rights to open an office in Katmandu to monitor and investigate violations.

That, the Maoists have committed atrocities against civilians and poses a threat to democracy in Nepal.

That, the Nepalese Army has also committed gross violations of human rights.

That, King Gyanendra has said that he intends to pursue a military strategy against the Maoists.

That, Nepal needs an effective military strategy to counter the Maoists and pressure them to negotiate an end to the conflict, but such a strategy must include the Nepalese Army's respect for the human rights and dignity of the Nepalese people.

That, an effective strategy to counter the Maoists also requires a political process that

is inclusive and democratic in which constitutional rights are protected, and government policies that improve the lives of the Nepalese people.

(b) Now therefore, be it

Resolved, that it is the Sense of the Senate that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with the leaders of Nepal's political parties to restore democracy.

SA 493. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 12, after the colon insert the following:

Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations:

On page 183, line 23, add the following new section:

MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. . Of the funds appropriated by chapter 2 of title II of PL 108-106 under the heading "Iraq Relief and Reconstruction Fund", not less than \$30,000,000 shall be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations: Provided, That such assistance shall be designated as the "Marla Ruzicka Iraqi War Victims Fund".

SA 494. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

REPORTING REQUIREMENTS ON SPENDING ON RECONSTRUCTION IN IRAQ

SEC. 6047. (a) Subsection (a) of section 2207 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 22 U.S.C. 2151 note) is amended—

(1) in the matter preceding paragraph (1), by striking "the Committees on Appropriations" and inserting "the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate, and the Committee on

Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives, and make available to the public on the Department of State's website"; and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) The number and costs of projects started and completed by governorate and sector, and a list of projects expected to be completed within the next quarter.

"(6) A strategy for using reconstruction funds to develop Iraq's governing capacity, including—

"(A) a description of the governing capacity of the Iraqi government ministries, the standards used to measure that capacity, and how reconstruction funds are helping to develop that capacity;

"(B) a description of how projects will lead to material benefits to the Iraqi people;

"(C) the proportion of reconstruction funds, by sector, spent on training Iraqi civil servants and public sector employees;

"(D) a description of the training curricula and goals;

"(E) the number of Iraqi civil servants and public sector employees receiving training, including technical, financial or managerial training; and

"(F) the efforts made to reduce corruption in the performance of these funds and in the Iraqi government ministries.

"(7) Information on employment created using such funds, including—

"(A) the average number of Iraqi citizens employed, by governorate, during the preceding 3 months;

"(B) the average number of United States citizens employed during the preceding 3 months;

"(C) the average number of citizens of other countries employed during the preceding 3 months;

"(D) the proportion of total salary payments to Iraqi citizens during the preceding 3 months; and

"(E) the proportion and value of subcontracts awarded to Iraqi firms, by sector.

"(8) Data on reconstruction spending by governorate, including a description of the role of municipal or local councils and provincial governments in determining reconstruction priorities and the proportion of funds programmed in direct consultation with such institutions.

"(9) The costs of security in the use of such funds, including—

"(A) security subcontractor costs and physical and ongoing security costs;

"(B) indirect costs, such as construction delays lost to security concerns;

"(C) insurance costs; and

"(D) the extent to which insurgent activity has resulted in projects requiring additional reconstruction.

"(10) The status of international reconstruction assistance to Iraq and how such assistance is coordinated with United States efforts.

"(11) Estimates of public and private debt owed by the Government of Iraq, disaggregated by lender country, and efforts made to reduce such debt."

(b) Subsection (c) of such section is amended by striking "the Committees on Appropriations" and inserting "the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives".

(c) Subsection (d) of such section is amended by striking "on October 1, 2007" and inserting "90 days after the date on which 100

percent of the funds described in this section are expended".

(d) Such section is further amended by adding at the end the following new subsections:

"(e) The Administrator of the United States Agency for International Development shall work with the government of Iraq to conduct and include in each report or update submitted under this section, a quarterly standardized household survey, with a representative sample at the provincial level in Iraq, to assess the availability and access to certain essential services in Iraq, including, at a minimum, the following services:

"(1) Health services.

"(2) Education.

"(3) Electricity.

"(4) Potable water.

"(5) Sewage.

"(6) Solid waste removal.

"(7) Law enforcement.

"(8) Transportation.

"(9) Communications.

"(f) The Secretary of State shall have each report or update submitted under this section translated into Arabic, posted on the website of the United States embassy in Baghdad, and made available to the Government of Iraq."

SA 495. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS

SEC. —. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by \$35,000,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available under the heading "OTHER PROCUREMENT, ARMY", as increased by subsection (a), \$60,000,000 shall be available under the Tactical Intelligence and Related Activities (TIARA) program to facilitate the rapid deployment of Warlock systems and other field jamming systems.

SA 496. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and

struction of the San Diego border fence, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. —. **TECHNICAL CORRECTION TO THE MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM.**

(a) IN GENERAL.—Section 1897(c) of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "or an entity described in paragraph (3)" after "means a hospital"; and

(B) in subparagraph (B)—

(i) by inserting "legislature" after "State" the first place it appears; and

(ii) by inserting "and such designation by the State legislature occurred prior to December 8, 2003" before the period at the end; and

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

"(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—
"(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

"(B) has at least 1 existing memorandum of understanding or affiliation agreement with a hospital located in the State in which the entity is located; and

"(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility."

(b) LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended by adding at the end the following new subsection:

"(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2447).

SA 497. Ms. MIKULSKI (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 1298, to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 22 and 23, insert the following:

(5) TREATMENT.—Any payment made under this subsection shall be treated as a payment of a death gratuity payable under chapter 75 of title 10, United States Code.

SA 498. Mr. WARNER (for himself, Mr. NELSON of Florida, Mr. ALLEN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and

for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1122. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

SA 499. Mr. WARNER (for himself, Mr. NELSON of Florida, Mr. ALLEN, Mr. TALENT, Ms. COLLINS, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 169, between lines 8 and 9, insert the following:

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1122. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy by this Act, and by the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 954), an aggregate of \$288,000,000 may be available only for repair and maintenance of the U.S.S. John F. Kennedy, and available to conduct such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

SA 500. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 204, between lines 4 and 5, insert the following:

CHAPTER 5

DEPARTMENT OF DEFENSE

HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS

CONSTRUCTION

For an additional amount to the Secretary of the Army, acting through the Chief of Engineers, for construction at the Houston-Galveston Navigation Channels, Texas, \$10,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 501. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 17 and 18, insert the following:

CHAPTER _____

ELECTION REFORM

ELECTION ASSISTANCE COMMISSION

ELECTION REFORM PROGRAMS

For necessary expenses to carry out a program of requirements payments to States as authorized by section 257 of the Help America Vote Act of 2002, \$727,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, \$95,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 502. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1122. Of the amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$11,500,000 may be available for—

(1) the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies; and

(2) the provision of medical care for members of the Army who have returned to the United States from a combat theater and are in a medical holdover status.

SA 503. Mr. DURBIN (for himself, Mr. LEVIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 7, strike "That the Secretary" and all that follows through "appropriation:" on lines 10 and 11, and insert

"That, not later than 30 days after the last day of each fiscal quarter, the Secretary shall submit to the congressional defense committees a report that summarizes the details of the transfer of funds from this appropriation and that includes a description of (1) the extent to which funding provided by this appropriation and such transfers will be used to train and equip capable and effectively led Iraqi security services and promote stability and security in Iraq; (2) the extent to which funding provided by this appropriation and such transfers will be used to train Iraqi security forces in counterinsurgency operations and the estimated total number of Iraqi security force personnel and Iraqi battalions expected to be trained, equipped, and capable of leading counterinsurgency operations independently by the end of 2005 and 2006; and (3) the extent to which funding provided by this appropriation and such transfers will result in reducing the level of the United States Armed Forces in Iraq in 6, 12, and 18 months after the date of such report and an estimate of the number of United States Armed Forces who will be needed in Iraq 6, 12, and 18 months after the date of such report:".

SA 504. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 17, after "1961:" insert "Provided further, That, notwithstanding any other provision of law, of the funds appropriated under this heading not less than \$3,000,000 shall be transferred to the United Nations Population Fund to provide assistance to tsunami victims in Indonesia, the Maldives, and Sri Lanka to (1) provide and distribute equipment, including safe delivery kits and hygiene kits, medicines, and supplies, including soap and sanitary napkins, to ensure safe childbirth and emergency obstetric care, (2) reestablish maternal health services in areas where medical infrastructure and such services have been destroyed by the tsunami, (3) prevent and treat cases of violence against women and youth, (4) offer psychological support and counseling to women and youth, (5) promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care, and (6) make available supplies of contraceptives for the prevention of pregnancy and the spread of sexually transmitted diseases, including HIV/AIDS: *Provided further*, That nothing in the preceding provision may be construed to alter any existing statutory prohibitions against abortion set out in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b):".

SA 505. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's li-

cense and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the "William B. Bryant Annex."

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 1 shall be deemed to be a reference to the "William B. Bryant Annex."

SA 506. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

REDUCTION OF APPROPRIATIONS

SEC. 6047. Notwithstanding any other provision of this Act, the total amount appropriated under this Act may not exceed \$62,122,000,000.

SA 507. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

REPORT ON IMPROVING AIR SAFETY OF MEMBERS OF THE UNITED STATES ARMED FORCES SERVING IN AFGHANISTAN

SEC. 6047. (a) Congress makes the following findings:

(1) The operation by the Department of Defense of aircraft between Europe and Afghanistan involves travel through an area of mountainous, hostile, and remote terrain along an air corridor that possesses minimal or no air safety capabilities.

(2) Recent aircraft crashes in Afghanistan involving members of the United States Armed Forces have claimed over 100 lives, and more than 40 other incidents have been documented in which maneuvers were required to avoid collisions.

(3) The United States Government has facilitated for several NATO allies the acquisition of important air safety improvement technologies that could be used to improve the safety of air routes between Europe and Afghanistan and within Afghanistan.

(b) Not later than September 1, 2005, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a comprehensive report containing a detailed plan, timeline, and budget for significantly improving the air safety of aircraft carrying members of the United States Armed Forces between Europe and Afghanistan and within Afghanistan.

SA 508. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, after line 22, insert the following:

For an additional amount for "Economic Support Fund", \$2,000,000 for the Third Border Initiative to remain available until September 30, 2006: *Provided*, That the amount provided under this paragraph is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

On page 178, after line 16, insert the following:

For an additional amount for "International Narcotics Control and Law Enforcement", \$40,530,000, to remain available until September 30, 2006, of which \$18,400,000 shall be available for Latin America regional account for law enforcement and drug interdiction programs in 17 countries, \$8,300,000 shall be available for continuance of the C-26 surveillance aircraft for aerial drug interdiction efforts in the Caribbean, \$9,780,000 shall be available for Mexico border security, law enforcement and drug interdiction programs, and \$4,500,000 shall be available for contributions to the Inter-American Committee Against Terrorism (CICTE) and the Inter-American Drug Abuse Control Commission (CICAD): *Provided*, That the amount provided under this paragraph is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

On page 179, after line 16, insert the following:

For an additional amount for "Non-proliferation, Anti-Terrorism, Demining and Related Programs", \$5,000,000, to remain available until September 30, 2006, which shall be available for destruction of MANPADS in the Western Hemisphere: *Provided*, That the amount provided under this

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

SA 509. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, line 11, strike the comma and all that follows through "goal" on line 19.

SA 510. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

EVALUATION OF SUBCONTRACT PARTICIPATION BY SMALL BUSINESSES

SEC. 6047. (a) Section 8(d)(4)(G) of the Small Business Act (15 U.S.C. 637(d)(4)(G)) is amended by striking "a bundled" and inserting "any".

(b) Section 8(d)(10) of the Small Business Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking "is authorized to" and inserting "shall";

(2) in subparagraph (B), by striking "and" at the end;

(3) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(D) report the results of each evaluation under subparagraph (C) to the appropriate contracting officers."

(c) Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by redesignating paragraph (11) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

"(11) CERTIFICATION.—A report submitted by the prime contractor pursuant to paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

"(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

"(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11)."

(d) Section 8(d)(8) of the Small Business Act (15 U.S.C. 637(d)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "The failure" and inserting "(A) The failure"; and

(3) by adding at the end the following:

"(B) A material breach described in this paragraph shall be referred for investigation to the Inspector General (or the equivalent) of the affected agency."

SA 511. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SMALL BUSINESS PARTICIPATION IN SUBCONTRACTING

SEC. 6047. (a) Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing the bid or proposal, unless such small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date."

(b) Section 16(f) of the Small Business Act (15 U.S.C. 645(f)) is amended by inserting "or the reporting requirements of section 8(d)(6)(G)" after "section 7(j)(10)(I)".

SA 512. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

DIRECT PAYMENTS TO SUBCONTRACTORS

SEC. 6047. (a) Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) amended by adding at the end the following:

"(12) TIMELY PAYMENT TO SMALL BUSINESS SUBCONTRACTORS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the failure of a civilian agency prime contractor, as defined in subparagraph (D), to make a timely payment, as determined by the contract with the subcontractor, to a subcontractor that is a small business concern shall be a material breach of the contract with the Federal agency.

"(B) CONSIDERATION OF PERFORMANCE.—Before making a determination under subparagraph (A), the contracting officer shall consider all reasonable issues regarding the circumstances surrounding the failure to make the timely payment described in subparagraph (A).

"(C) WITHHOLDING OF PAYMENTS.—Not later than 30 days after the date on which a material breach under subparagraph (A) is determined by the contracting officer, the Federal agency may withhold any amounts due and owing the subcontractor from payments due to the prime contractor and pay such amounts directly to the subcontractor.

"(D) DEFINED TERM.—As used in this paragraph, the term 'civilian agency prime contractor' means a prime contractor that offers any combination of services or manufactured goods to Federal agencies other than the Department of Defense or agencies with responsibility for homeland security or national security."

SA 513. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 712. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—
(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian and defense industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts and subcontracts overseas;

(E) small business contractors suffer competitive harm and the Federal Government suffers a needless reduction in competition and a needless shrinkage of its industrial base when Federal agencies exempt contracts and subcontracts awarded for performance overseas from the application of the Small Business Act;

(F) small businesses desiring to support the troops deployed in the Global War on Terror and the reconstruction of Iraq and Afghanistan have faced needless hurdles to meaningful participation in Government contracts and subcontracts; and

(G) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on overseas assistance and reconstruction projects.

(2) REAFFIRMATION OF POLICY.—In light of the findings in subparagraph (A), Congress reaffirms its policy contained in sections 2 and 15 of the Small Business Act (15 U.S.C. 631, 644) and section 302 of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631a) to promote international competitiveness of United States small businesses and to ensure that small business concerns are awarded a fair portion of all Federal prime contracts, and subcontracts, regardless of geographic area.

(b) COMPLIANCE.—Not later than 270 days after the date of enactment of this Act, the head of each Federal agency, office, and department having jurisdiction over acquisition regulations shall conduct regulatory reviews to ensure that such regulations require compliance with the Small Business Act in Federal prime contracts and subcontracts, regardless of the geographic place of award or performance, and shall promulgate any necessary conforming changes to such regulations.

(c) COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION.—The Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall be consulted for recommendations concerning regulatory reviews and changes required by this section.

(d) CONFLICTING PROVISIONS OF LAW.—In conducting any regulatory review or promulgating any changes required by this section, due note and recognition shall be given to the specific requirements and procedures of any other Federal statute or treaty which may exempt any Federal prime contract or subcontract from the application of the Small Business Act in whole or in part.

(e) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report containing their views on the compliance status of Federal agencies, offices, and departments in carrying out this section.

SA 514. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-re-

lated grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 712. CONFLICT ZONE SMALL BUSINESS CONCERNS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(s) CONFLICT ZONE SMALL BUSINESS CONCERNS.—

“(1) CONFLICT ZONE SMALL BUSINESS SIZE STANDARDS.—

“(A) IN GENERAL.—The Administrator shall establish, by rule, regulation, or order, size standards for treatment of a business concern performing services in a qualified area as a small business concern for purposes of this Act.

“(B) TIMING.—The size standards established under subparagraph (A) shall become effective not later than 12 months after the date of enactment of this subsection.

“(C) CRITERIA.—The Administrator shall develop size standards under subparagraph (A) with the purpose of reducing the burdens on small business concerns, in connection with the need—

“(i) to provide security for business operations;

“(ii) to incur costs under any provision of Federal law which may require government contractors and subcontractors to provide particular benefits or to obtain particular types of insurance in order to operate in a qualified area; and

“(iii) to hire additional employees in order to successfully perform contracts or subcontracts in or near a zone of military conflict.

“(2) PROVISIONAL RULE.—Notwithstanding any other provision of law, until the rule, regulation or order established under paragraph (1)(A) becomes effective, the Administrator may not consider, in determining whether a business concern performing services in a qualified area qualifies as a small business concern for purposes of this Act—

“(A) receipts received under a qualified contract or subcontract; or

“(B) employees hired solely for the purpose of performing services in a qualified area pursuant to a qualified contract or subcontract.

“(3) ADDITIONAL DEFINITIONS.—

“(A) QUALIFIED AREA.—In this subsection, the term ‘qualified area’ means—

“(i) Iraq;

“(ii) Afghanistan; and

“(iii) any other country, area, or territory outside of the United States, its territories, and possessions, as may be designated by the Administrator in consultation with the Secretary of Defense, the Secretary of Homeland Security, or the Secretary of State, as appropriate, where contracts or subcontracts are performed in support of the Global War on Terror, United States military operations, or related reconstruction, stabilization, and assistance activities.

“(B) QUALIFIED CONTRACT OR SUBCONTRACT.—In this subsection, the term ‘qualified contract or subcontract’ means any contract, portion of a contract, subcontract, or portion of a subcontract awarded by an agency or instrumentality of the United States, or using funds made available through an appropriations Act, requiring the business concern to perform services in a qualified area.

“(C) SERVICES.—In this subsection, the term ‘services’ includes sales, marketing, installation, translation, security, and other

similar services performed in a qualified area under a qualified contract or subcontract.”.

SA 515. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, after line 3, insert the following:

CONTRACT CONSOLIDATION

SEC. 6047. (a) Section 3(o) of the Small Business Act (15 U.S.C. 632(o)) is amended to read as follows:cc

“(o) DEFINITIONS RELATING TO CONSOLIDATION OF CONTRACT REQUIREMENTS.—In this Act—

“(1) the terms ‘consolidation of contract requirements’ and ‘consolidation’, with respect to contract requirements of a military department, defense agency, Department of Defense Field Activity, or any other Federal department or agency having contracting authority, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of that department, agency, or activity for goods or services that—

“(A) have previously been provided to or performed for that department, agency, or activity under 2 or more separate contracts that are smaller in cost than the total cost of the contract for which the offers are solicited; or

“(B) are of a type capable of being provided or performed by a small business concern for that department, agency, or activity under 2 or more separate contracts that are smaller in cost than the total cost of the contract for which the offers are solicited;

“(2) the term ‘multiple award contract’ means—

“(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

“(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

“(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation; and

“(3) the term ‘senior procurement executive’ means—

“(A) with respect to a military department, the official designated under section 16(k) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for the military department;

“(B) with respect to a defense agency or a Department of Defense Field Activity, the official so designated for the Department of Defense; and

“(C) with respect to a Federal department or agency other than those referred to in

subparagraphs (A) and (B), the official so designated by that department or agency.”.

(b) Section 15(e) of the Small Business Act (15 U.S.C. 644(e)) is amended—

(1) in paragraph (2)—

(A) by striking “RESEARCH.—

(A) IN GENERAL.—Before” and inserting “RESEARCH.—Before”; and

(B) by striking subparagraphs (B) and (C); and

(2) by striking paragraph (3) and inserting the following:

“(3) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

“(A) CERTAIN DEFENSE CONTRACT REQUIREMENTS.—An official of a military department, defense agency, or Department of Defense Field Activity shall not execute an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of \$5,000,000, unless the senior procurement executive first—

“(i) conducts market research;

“(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

“(iii) determines that the consolidation is necessary and justified.

“(B) CERTAIN CIVILIAN AGENCY CONTRACT REQUIREMENTS.—The head of a Federal agency not covered under subparagraph (A) that has contracting authority shall not execute an acquisition strategy that includes a consolidation of contract requirements of the agency with a total value in excess of \$2,000,000, unless the senior procurement executive of the agency first—

“(i) conducts market research;

“(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

“(iii) determines that the consolidation is necessary and justified.

“(C) ADDITIONAL REQUIREMENTS FOR HIGHER VALUE CONSOLIDATED CONTRACTS.—In addition to meeting the requirements under subparagraph (A) or (B), a procurement strategy by a civilian agency that includes a consolidated contract with a total value in excess of \$5,000,000, or by a defense agency that includes a consolidated contract with a total value in excess of \$7,000,000 shall include—

“(i) an assessment of the specific impediments to participation by small business concerns as prime contractors that will result from the consolidation;

“(ii) actions designed to maximize small business participation as prime contractors, including provisions that encourage small business teaming for the consolidated requirement;

“(iii) actions designed to maximize small business participation as subcontractors (including suppliers) at any tier under the contract or contracts that may be awarded to meet the requirements; and

“(iv) the identification of the alternative strategies that would reduce or minimize the scope of the consolidation and the rationale for not choosing those alternatives.

“(D) NECESSARY AND JUSTIFIED.—A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for purposes of subparagraph (A), (B), or (C), if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under clause (ii) of any of those subparagraphs, as applicable. However, savings in administrative or personnel costs alone do not constitute, for such purpose, a sufficient justification for a consolidation of contract requirements in a procurement, unless the total amount of the

cost savings is expected to be substantial in relation to the total cost of the procurement.

“(E) BENEFITS.—Benefits considered for purposes of this paragraph may include cost and, regardless of whether quantifiable in dollar amounts—

“(i) quality;

“(ii) acquisition cycle;

“(iii) terms and conditions; and

“(iv) any other benefit directly related to national security or homeland defense.”.

(c) Section 15(p)(4)(B) of the Small Business Act (15 U.S.C. 644(p)(4)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting the following: “; and”;

(3) by adding at the end the following:

“(iii) a description of best practices for maximizing small business prime and subcontracting opportunities.”.

(d) Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended—

(1) in the subsection heading, by striking “BUNDLED CONTRACTS” and inserting “CONSOLIDATED CONTRACTS”;

(2) in paragraph (1), in the paragraph heading, by striking “BUNDLED CONTRACT” and inserting “CONSOLIDATED CONTRACT”;

(3) in paragraph (4), in the paragraph heading, by striking “CONTRACT BUNDLING” and inserting “CONTRACT CONSOLIDATION”;

(4) by striking “bundled contracts” each place that term appears and inserting “consolidated contracts”;

(5) by striking “bundled contract” each place that term appears and inserting “consolidated contract”;

(6) by striking “bundling of contract requirements” each place that term appears and inserting “consolidation of contract requirements”;

(7) in paragraph (4)(B)(ii), by striking “previously bundled” and inserting “previously consolidated”;

(8) in paragraph (4)(B)(ii)(I), by striking “were bundled” and inserting “were consolidated”;

(9) in paragraph (4)(B)(ii)(II)(bb), by striking “bundling the contract requirements” and inserting “the consolidation of contract requirements”;

(10) in paragraph (4)(B)(ii)(ID)(cc), by striking “bundled status” and inserting “consolidated status”.

SA 516. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 187, after line 4, insert the following:

REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR PROGRAMS

The amount for “Diplomatic and Consular Programs” under chapter 2 of title II shall be \$357,700,000.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$389,613,000, of which \$128,000,000, to remain available until September 30, 2006, shall be available for the enforcement of immigration and customs laws, detention and removal, and investigations, including the hiring of immigration investigators, enforcement agents, and deportation officers, and the provision of detention bed space, and of which the Assistant Secretary for Immigration and Customs Enforcement shall transfer (1) \$179,745,000, to Customs and Border Protection, to remain available until September 30, 2006, for “SALARIES AND EXPENSES”, for the hiring of Border Patrol agents and related mission support expenses and continued operation of unmanned aerial vehicles along the Southwest Border; (2) \$67,438,000, to Customs and Border Protection, to remain available until expended, for “CONSTRUCTION”; (3) \$10,471,000, to the Federal Law Enforcement Training Center, to remain available until September 30, 2006, for “SALARIES AND EXPENSES”; and (4) \$3,959,000, to the Federal Law Enforcement Training Center, to remain available until expended, for “ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES”, for the provision of training at the Border Patrol Academy.

SA 517. Mr. CORZINE (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, after line 23, insert the following:

DAFUR ACCOUNTABILITY

SEC. 2105. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions;

(B) establishes a military no-fly zone in Darfur and calls on the Government of Sudan to immediately withdraw all military aircraft from the region;

(C) urges member states to accelerate assistance to the African Union force in Darfur, sufficient to achieve the expanded mandate described in paragraph (5);

(D) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force,

the United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment established by paragraphs 7 through 9 of United Nations Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the UN Committee have com-

mitted the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immediately freeze the funds and other assets belonging to such individuals, their family members, and any associates of such individuals to whom assets or property of such individuals were transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control; and

(D) except as described under paragraph (2), deny visas and entry to such individuals, their family members, and anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President submits to the appropriate congressional committees, a report—

(A) naming the individual named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual's family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act with regard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to achieve such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, and the status of United States and other assistance to the African Union force.

(2)(A) The report described in paragraph (1) shall be submitted every 90 days during the 1-year period beginning on the date of the enactment of this Act, or until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) After such 1-year period, and if the President has not made the certification described in subparagraph (A), the report described in paragraph (1) shall be included in the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497; 118 Stat. 4018).

(d) In this section:

(1) The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) The term "Government of Sudan" means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) The term "member states" means the member states of the United Nations.

(4) The term "Sudan North-South Peace Agreement" means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) The term "those named by the UN Commission of Inquiry" means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) The term "UN Committee" means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

SA 518. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. . SILICON CARBIDE ARMOR INITIATIVE.

Of amounts available to the Department of Defense in this Act, \$5,000,000 may be used for the purpose of funding a silicon carbide armor initiative to meet the critical needs for silicon carbide powders used in the production of ceramic armor plates for military vehicles.

SA 519. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. . RAPID WALL BREACHING KITS.

Of amounts available to the Department of Defense in this Act, \$5,000,000 may be used for procurement of Rapid Wall Breaching Kits.

SA 520. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30,

2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

UP-ARMORED HIGH MOBILITY MULTIPURPOSE
WHEELED VEHICLES

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated by this chapter under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by \$213,000,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY", as increased by subsection (a), \$213,000,000 shall be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

(c) REPORTS.—(1) Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the most effective and efficient options available to the Department of Defense for transporting Up Armored High Mobility Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

SA 521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

APPLICATION PROCESSING AND ENFORCEMENT
FEES

SEC. 6047. Section 286(s)(6) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(6)) is amended in the second sentence by inserting "and section 212(a)(5)(A)" before the period at the end.

SA 522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for

the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

REPEAL OF CERTAIN VISA REVOCATION
PROVISIONS

SEC. 6047. (a) Section 5304 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is repealed.

(b) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be applied and administered as if such section 5304 had not been enacted.

(c) Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by adding at the end the following: "There shall be no means of administrative or judicial review of a revocation under this subsection, and no court or other person otherwise shall have jurisdiction to consider any claim challenging the validity of such a revocation."

(d) Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking "United States is" and inserting the following: "United States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States) has been revoked under section 221(i), is".

(e) The amendments made by subsections (c) and (d) shall take effect on the date of the enactment of this Act and shall apply to revocations under section 221(i) of the Immigration and Nationality Act made before, on, or after such date.

SA 523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ REQUIRING CERTAIN FEDERAL SERVICE CONTRACTORS TO PARTICIPATE IN PILOT PROGRAM.

Section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

"(C) CERTAIN FEDERAL SERVICE CONTRACTORS.—The following entities shall elect to participate in a pilot program and shall comply with the terms and conditions of such an election:

"(i) A contractor who has entered into a contract with the Department of Defense to which section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) applies, and any subcontractor under such contract.

"(ii) A contractor who has entered into a contract with the Department of Defense that is exempted from the application of such Act by section 6 of such Act (41 U.S.C. 356), and any subcontractor under such contract."

SA 524. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 197, between lines 13 and 14, insert the following:

COOPERATIVE STATE RESEARCH, EDUCATION
AND EXTENSION

For an additional amount for grants to States for the prevention, detection, and treatment of Asian soybean rust, \$2,340,000, to remain available until expended: *Provided*, That the funds shall be made available to land grant universities in southern States where Asian soybean rust has been detected as of the date of enactment of this Act, as determined by the Secretary of Agriculture: *Provided further*, That the funds shall be targeted to States with harvested soybean acreage in crop year 2004 of at least 1,600,000 acres: *Provided further*, That to be eligible, a State land grant university shall have developed a plan for the prevention, detection, and treatment of Asian soybean rust: *Provided further*, That the plan shall include, at a minimum, the development of informational materials, including the use of a website, training sessions for producers, crop monitoring, and the development of a regional network: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 525. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 197, between lines 13 and 14, insert the following:

AGRICULTURAL RESEARCH SERVICE

For an additional amount for grants to States for the prevention, detection, and treatment of Asian soybean rust, \$2,340,000, to remain available until expended: *Provided*, That the funds shall be made available to the cooperative extension service in southern States where Asian soybean rust has been

detected as of the date of enactment of this Act, as determined by the Secretary of Agriculture: *Provided further*, That the funds shall be targeted to States with harvested soybean acreage in crop year 2004 of at least 1,600,000 acres: *Provided further*, That to be eligible, a State shall have developed a plan for the prevention, detection, and treatment of Asian soybean rust: *Provided further*, That the plan shall include, at a minimum, the development of informational materials, including the use of a website, training sessions for producers, crop monitoring, and the development of a regional network: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 526. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, lines 11 through 14, strike "at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on" and insert "the previous 3 years, for at least 575 hours or 100 work days per year, before".

SA 527. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, lines 15 and 16, strike "benefits" and insert "value".

SA 528. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, line 24, strike "\$40,000,000" and insert "\$20,000,000".

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary of Agriculture shall compensate eligible owners of flooded crop and grazing land in—

- (1) the Devils Lake basin; and
- (2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

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

- (A) land that has been flooded;
- (B) land that has been rendered inaccessible due to flooding; and
- (C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

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

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

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

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

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

(g) FUNDING.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this section \$20,000,000 for fiscal year 2005, to remain available until expended: *Provided*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

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

SA 529. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

In the language proposed to be stricken strike line 6 through 19 and insert the following:

On page 214, strike lines 6 through 19 and insert the following:

SEC. 6023.(a) Not later than September 30, 2005, the Department of Energy and the Small Business Administration shall enter into a memorandum of understanding setting forth an appropriate methodology for measuring the achievement of the Department of Energy with respect to awarding contracts to small businesses.

(b) In recognition of the historical and successful practice by the Department of Energy of operating many of its facilities and sites through management and operating contractors who subcontract significant amounts of work to small businesses, the methodology set forth in the memorandum of understanding entered into under subsection (a) shall, at a minimum, include—

(1) a method of counting the achievement of the Department of Energy in awarding—

(A) prime contracts; and

(B) subcontracts to small businesses awarded by Department of Energy management and operating, management and integration, and other facility management prime contractors;

(2) uniform criteria that could be used by prime contractors described under paragraph (1)(B) when measuring the value of subcontracts awarded to small businesses; and

(3) prime contract provisions that could impose certain requirements on prime contractors described under paragraph (1)(B), such as prompt payment requirements, with respect to the administration of subcontracts awarded to small businesses that, when such provisions were included within a prime contract, the Department of Energy could count the subcontracts awarded under such prime contract toward its small business contracting goals established pursuant to Section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

SA 530. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, strike lines 6 through 19 and insert the following:

SEC. 6023.(a) Not later than September 30, 2005, the Department of Energy and the Small Business Administration shall enter into a memorandum of understanding setting forth an appropriate methodology for measuring the achievement of the Department of Energy with respect to awarding contracts to small businesses.

(b) In recognition of the historical and successful practice by the Department of Energy of operating many of its facilities and sites through management and operating contractors who subcontract significant amounts of work to small businesses, the methodology set forth in the memorandum of understanding entered into under subsection (a) shall, at a minimum, include—

(1) a method of counting the achievement of the Department of Energy in awarding—

(A) prime contracts; and

(B) subcontracts to small businesses awarded by Department of Energy management and operating, management and integration, and other facility management prime contractors;

(2) uniform criteria that could be used by prime contractors described under paragraph (1)(B) when measuring the value of subcontracts awarded to small businesses; and

(3) prime contract provisions that could impose certain requirements on prime contractors described under paragraph (1)(B), such as prompt payment requirements, with respect to the administration of subcontracts awarded to small businesses that, when such provisions were included within a prime contract, the Department of Energy could count the subcontracts awarded under such prime contract toward its small business contracting goals established pursuant to Section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

SA 531. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license

and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 16, strike “(e)(2)” and all that follows through line 22, and insert the following: “(e)(2); or

“(ii) is convicted of a felony or misdemeanor committed in the United States.”.

SA 532. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike line 24 and all that follows through page 21, line 11, and insert the following:

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for temporary resident status under subsection (a) may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney; or

(ii) with a qualified entity designated under paragraph (2), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

SA 533. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 2, strike “(e)(2)” and all that follows through line 8, and insert the following: “(e)(2); or

“(II) is convicted of a felony or misdemeanor committed in the United States.”.

SA 534. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005,

to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike line 13 and all that follows through page 15, line 24, and insert the following:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 5 years of agricultural employment in the United States, for at least 575 hours or 100 work days per year, during the 6-year period beginning on the date of enactment of this Act.

(ii) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of enactment of this Act.

(iii) PROOF.—In meeting the requirement under clause (i), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(iv) DISABILITY.—In determining whether an alien has met the requirement under clause (i), the Secretary.

SA 535. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 12, strike “(e)(2)” and all that follows through line 18, and insert the following: “(e)(2); or

“(II) is convicted of a felony or misdemeanor committed in the United States.”.

SA 536. Mr. COCHRAN (for Mr. BOND) proposed an amendment to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

Insert the following (and renumber if appropriate) on page 231, after line 3:

“SEC. 6047. (a) Section 222 of title II of Division I of Public Law 108-447 is deleted; and

(b) Section 203(c)(1) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking “subsections” and inserting “subsection”, and

(2) striking “or (k)” each place that it appears.”.

SA 537. Mr. REID (for Mr. BIDEN (for himself, Mr. LAUTENBERG, and Mrs. BOXER)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ AND AFGHANISTAN AND FOR OTHER DEFENSE-RELATED ACTIVITIES THROUGH PARTIAL SUSPENSION OF REDUCTION IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003, 2004, and 2005	25.0%	28.0%	33.0%	35.0%
2006 and thereafter	25.0%	28.0%	33.0%	38.6%".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

(c) APPLICATION OF EGTRRA SUNSET TO THIS SECTION.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

NOTICES OF HEARING/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, April 26, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony regarding the status of the Department of Energy's Nuclear Power 2010 program.

For further information, please contact Clint Williamson at 202-224-7556 or David Marks at 202-228-6195.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. Thomas. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, April 28, at 2:30 p.m. in room SD-

366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 242, a bill to establish four memorials to the Space Shuttle Columbia in the State of Texas; S. 262, a bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; S. 336, a bill to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail; S. 670, a bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; S. 777, a bill to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes; and H.R. 126, a bill to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Brian Carlstrom at (202) 224-6293.

AUTHORIZING AN ANNUAL APPROPRIATION FOR MENTAL HEALTH COURTS THROUGH FISCAL YEAR 2011

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 289 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 289) to authorize an annual appropriation of \$10,000,000 for mental health courts through fiscal year 2011.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is going to pass S. 289, a bill to reauthorize the Mental Health Court Program and provide \$10 million in grant funding annually for mental health courts through fiscal year 2011. I am the lead Democratic sponsor of this bill, and cosponsored similar legislation in the last Congress.

Senator DEWINE and I have worked together on a number of mental health issues. Last year, we worked together to enact the Mentally Ill Offender Treatment and Crime Reduction Act, which authorizes \$50 million annually

for a range of State and local projects designed to reduce the number of crimes committed by mentally ill individuals. We are now working together to obtain appropriations to fund the new law.

As former prosecutors, Senator DEWINE and I both realize the tremendous impact of mental illness on our criminal justice system. We need to stop the "revolving door" whereby mentally ill offenders cycle in and out of the criminal justice system for relatively minor offenses, taking up the time and resources of law enforcement officers, judges, and the community as a whole. My State of Vermont has benefited from funding under the Mental Health Court Program, and I know firsthand the good that mental health courts can do.

I hope the House will take up this bipartisan and uncontroversial legislation promptly and ensure that Federal support for mental health courts will continue.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 289) was read the third time and passed, as follows:

S. 289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking "fiscal years 2001 through 2004" and inserting "fiscal years 2006 through 2011".

ORDERS FOR TUESDAY, APRIL 19, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, April 19. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 1268, the Iraq-Afghanistan supplemental appropriations bill; provided that the time until 11:45 be divided with Senator CHAMBLISS in control of one-half of the time and the other half divided equally between Senators CRAIG and KENNEDY; provided further that at 11:45 a.m. the Senate proceed to the vote on the motion to invoke cloture on the Chambliss amendment, as provided under the previous order.

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

Mr. FRIST. I further ask unanimous consent that the Senate recess from