

amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939, supra.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3612. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 17, strike "Prohibition" and insert "(a) Prohibition".

On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

"(b) WAIVER AUTHORITY.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the Committees on Appropriations that—

"(A) it is in the national security interest of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

"(2) Prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations and the Committee on Inter-

national Relations of the House of Representatives and the Committee on Foreign Relations of the Senate."

SA 3613. Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 24, after "2006" insert the following: "Provided further, That, of the amount provided under this heading, \$400,000 shall be made available for the operation of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3))".

On page 162, between lines 12 and 13, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Section 1202(i)(3)(C) of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking " , to carry out this paragraph, \$750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7032. (a) Subject to subsection (b), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109-148; 119 Stat. 2680) or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

- (1) condemnation;
- (2) seizure by a Federal entity of private property; or
- (3) any other means.

(b) The prohibition on the use of funds described in subsection (a) shall not apply to a land exchange between a willing seller and a willing buyer.

SA 3615. Mr. THOMAS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional expenses for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$350,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$6,506,223,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,061,724,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$834,122,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,145,363,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$166,070,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$110,412,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$10,327,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$1,940,000: *Provided*,

That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$96,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$1,200,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$18,380,310,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", \$2,793,600,000: *Provided*, That up to \$75,020,000 shall be available for the Department of Homeland Security, "United States Coast Guard, Operating Expenses": *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,722,911,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$5,328,869,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$3,259,929,000, of which—

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

(2) not to exceed \$10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed \$1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concur-

rence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) not to exceed \$44,500,000 for Cooperative Threat Reduction:

Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY

RESERVE

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

OPERATION AND MAINTENANCE, NAVY RESERVE

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

OPERATION AND MAINTENANCE, MARINE CORPS

RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$55,675,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

RESERVE

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

OPERATION AND MAINTENANCE, ARMY

NATIONAL GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", \$1,851,833,000, to remain available

until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", \$3,007,000,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided*

further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

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

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$203,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,983,351,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$829,679,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$7,528,657,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$293,980,000, to remain

available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$90,800,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$330,996,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$111,719,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$3,260,582,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$663,595,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$29,047,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$1,489,192,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

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

\$424,177,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$126,845,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$305,110,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$145,921,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$502,700,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,153,562,000 for operation and maintenance: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$156,800,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not

necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$6,120,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the "Intelligence Community Management Account", \$158,875,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER
(TRANSFER OF FUNDS)

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed \$40,000,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

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

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

SEC. 1203. Notwithstanding 10 U.S.C. 2208(1), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed \$1,500,000,000: *Provided*, That the amounts made available pursuant to this section are designated as an

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

SEC. 1204. In addition to amounts authorized in section 1202(a) of Public Law 109-163, from funds made available in this chapter to the Department of Defense, not to exceed \$423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SEC. 1205. Supervision and administration costs associated with a construction project funded with "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" appropriations may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1206. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", \$5,300,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", \$10,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$136,290,000, to remain until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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", \$61,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", \$1,584,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", \$10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", \$107,700,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$51,200,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", \$13,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", \$123,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236).

SEC. 1302. Of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108-106, \$185,500,000 is hereby transferred to and merged with the appropriation for "Economic Support Fund" contained in this Act: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(RESCISSION OF FUNDS)

SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading "Peacekeeping Operations" in chapter 2 of title II of division A of Public Law 109-13, \$17,000,000 is rescinded.

SEC. 1304. Notwithstanding any other provision of law, amounts under the heading

“Iraq Relief and Reconstruction Fund” in title II of Public Law 108-106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: *Provided*, That, notwithstanding section 2207(d) of Public Law 108-106, requirements of section 2207 of Public Law 108-106 shall expire on October 1, 2008.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$26,692,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$287,100,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That, subject to the preceding proviso, \$60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$35,600,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. The matter under the heading “Veterans Health Administration—Medical Services” in chapter 7 of title I of division B of Public Law 109-148 is amended by inserting after “calendar year 2005” the following: “and for unanticipated costs related to the Global War on Terror”: *Provided*, That the provisions of this section are designated as

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

CHAPTER 6

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES

ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$3,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$99,000,000, to remain available until September 30, 2007: *Provided*, That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

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

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$4,100,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$1,380,500,000, to remain available until September 30, 2007: *Provided*, That of the amount made available under this heading, \$1,326,000 shall be available for transfer to the United States Institute of Peace: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of Inspector General”, \$25,300,000, to remain

available until September 2007, of which \$24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

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

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations”, \$7,600,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for “Broadcasting Capital Improvements”, \$28,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for “Working Capital Fund” for necessary expenses related to the consequences of Hurricane Katrina

and other hurricanes of the 2005 season, \$25,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE
BUILDINGS AND FACILITIES

For an additional amount for "Agricultural Research Service, Buildings and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATURAL RESOURCES CONSERVATION SERVICE
EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program" \$10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2
DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY
MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

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

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

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

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$37,359,000, to remain available until September 30, 2007, for necessary expenses related to the con-

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

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND
MARINE CORPS

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

SHIPBUILDING AND CONVERSION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and Conversion, Navy", \$775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$12,000,000, to remain available until Sep-

tember 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COL-
LECTIONS, SALES OF COMMISSARY STORES,
DEFENSE

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

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences

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

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For additional amounts for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, \$100,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL AND COASTAL EMERGENCIES

For additional amounts for "Flood Control and Coastal Emergencies", as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$1,360,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$13,500,000, to remain available until September 30, 2007: *Provided*, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation,

and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

For an additional amount for ‘Salaries and Expenses’ to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, \$12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ‘Construction’ to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, \$4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD
OPERATING EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ‘Operating Expenses’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$14,300,000, to remain available until September 30, 2007, of which up to \$267,000 may be transferred to ‘Environmental Compliance and Restoration’ to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to \$500,000 may be transferred to ‘Research, Development, Test, and Evaluation’ to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ‘Acquisition, Construction, and Improvements’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$80,755,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY
ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for ‘Administrative and Regional Operations’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$70,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress),

the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE AND RECOVERY

For an additional amount for ‘Preparedness, Mitigation, Response and Recovery’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$10,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for ‘Disaster Relief’ for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$9,550,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ‘Disaster Assistance Direct Loan Program Account’ for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), \$151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which \$1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under the heading ‘Disaster Relief’, up to \$150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That the amounts provided or transferred under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109-90 is amended under the heading ‘National

Flood Insurance Fund’ by striking ‘\$30,000,000 for interest on Treasury borrowings’ and inserting ‘such sums as necessary for interest on Treasury borrowings’.

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ‘Construction’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ‘Historic Preservation Fund’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ‘Construction’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ‘Surveys, Investigations, and Research’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$10,200,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS
MANAGEMENT

For an additional amount for ‘Royalty and Offshore Minerals Management’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$15,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK
PROGRAM

For an additional amount for the “Leaking Underground Storage Tank Program” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$7,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE
FOREST SERVICE

NATIONAL FOREST SYSTEM

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

CHAPTER 6
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE
CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$28,880,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$57,300,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, ARMY NATIONAL
GUARD

For an additional amount for “Military Construction, Army National Guard”, for necessary expenses related to consequences

of Hurricane Katrina and other hurricanes of the 2005 season, \$67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR NATIONAL
GUARD

For an additional amount for “Military Construction, Air National Guard”, for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVY RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for “Military Construction, Navy Reserve”, for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading “Military Construction, Naval Reserve” in chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount \$49,530,000 are rescinded: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction, Major Projects”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to \$275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the “Medical Services” account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of

Representatives in writing of the transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7
DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$2,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES
ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

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

SCIENCE

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

EXPLORATION CAPABILITIES

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

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

That, of the amount provided under this heading, \$712,000,000 is hereby transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse that account for funds transferred to this account by Public Law 109-174: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, \$4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109-148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than \$1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that

the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to \$15,000,000 to the Office of Inspector General and "Management and Administration, Salaries and Expenses" for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

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

SEC. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109-148 (119 Stat. 2748), the Secretary of

Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING RESCISSION OF FUNDS)

SEC. 3004. (a) RESCISSION.—Of the unobligated balances available for "Immigration and Customs Enforcement—Automation Modernization", \$43,620,000 are rescinded.

(b) APPROPRIATION.—For an additional amount for "United States Secret Service—Salaries and Expenses" for critical investigative and protective operations, \$43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service "Salaries and Expenses" in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

SEC. 3005. (a) The matter under the heading "Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109-148 is amended—

(1) in the first proviso, by striking "or the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)" and inserting "the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965"; and

(2) in the second proviso, by inserting "except that paragraph (7)(A) of such section shall not apply" after "1937".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY-03-345-00, NY-03-0325-00, NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-90-X418-00, NY-90-X465-00 together with an amount not to exceed \$19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 3007. The referenced statement of the managers under the heading "Community

Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended—

(1) with respect to item number 536, by striking "an economic development planning study" and inserting "the Main Street Revitalization Project"; and

(2) with respect to item number 444, by striking "City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center" and inserting "St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College".

SEC. 3008. (a) The second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109-115 is amended by striking "statement of managers accompanying this Act" and inserting "statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date".

(b) Section 5023 of title V of division B of Public Law 109-148 is amended by striking "in title III of Public Law 109-115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)" and inserting "in title III of division A of Public Law 109-115".

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109-115 is deemed to be amended—

(1) with respect to item number 714, by striking "construction of a senior center;" and inserting "renovation and buildout of a multipurpose center;"

(2) with respect to item number 850, by striking "City of Lancaster, Pennsylvania" and inserting "in Pennsylvania"; and

(3) with respect to item number 925, by striking "Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;" and inserting "City of Greenwood, South Carolina for the Emerald Triangle Project;"

SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking "for a 1-time only obligation and expenditure";

(2) in subsection (a)(2)—

(A) by striking "for fiscal year 2007"; and

(B) by inserting before the period at the end the following: ", to remain available until September 30, 2007"; and

(3) by striking subsection (b) and inserting the following:

"(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006."

SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other

legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 3012. (a) None of the funds appropriated in Public Law 109-102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of non-violence, the recognition of Israel, and the acceptance of previous agreements and obligations, including the Roadmap.

(b) None of the funds appropriated under the heading "Economic Support Fund" in Public Law 109-102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".

TITLE IV

PANDEMIC FLU

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, \$2,300,000,000, to remain available until expended: *Provided*, That \$300,000,000 shall be for upgrading State and local capacity, \$50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention, and at least \$200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics,

risk communication, rapid response and quarantine: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: *Provided further*, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE V—BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and

surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE REDUCTION IN FUNDING

SEC. 5001. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed \$67,062,188,000.

SA 3616. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 229, strike lines 5 through 14.

SA 3617. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 224, strike line 23 through line 10 on page 225.

SA 3618. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 138, line 24, strike all after the "—" through "fisheries" on page 139, line 2.

SA 3619. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

SA 3620. Mr. WARNER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . Section 5062 of title 10, United States Code, is amended—

- (1) by striking subsection (b); and
- (2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SA 3621. Mr. WARNER (for himself and Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

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

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty

abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

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

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

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

SA 3622. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 217, line 19, strike "(e)" and insert the following:

(e) BOVINE TUBERCULOSIS HERD INDEMNIFICATION.—The Secretary shall use \$1,500,000 of funds of the Commodity Credit Corporation to indemnify producers of cattle in the States of Michigan, Minnesota, New Mexico, and Texas for losses suffered due to bovine tuberculosis.

(f)

SA 3623. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 162, between lines 12 and 13, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. In addition to amounts made available under this chapter, \$10,000,000 shall be made available to the Assistant Secretary of the Army, Civil Works, to carry out the Napa River project of the Corps of Engineers.

SA 3624. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SEC. . . . TEMPORARY WINDFALL PROFITS TAX; HOUSEHOLD REBATE.

(a) TEMPORARY WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

“CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

“Sec. 5896. Imposition of tax.

“Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.

“Sec. 5898. Special rules and definitions.

“SEC. 5896. IMPOSITION OF TAX.

“(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during any taxable year beginning in 2006.

“(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

“(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

“SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.

“(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

“(b) REMOVAL PRICE.—For purposes of this chapter—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘removal price’ means the amount for which the barrel of taxable crude oil is sold.

“(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

“(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

“(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

“(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(5) PROPERTY.—The term ‘property’ has the meaning given such term by section 614.

“(c) ADJUSTED BASE PRICE DEFINED.—For purposes of this chapter, the term ‘adjusted base price’ means \$40 for each barrel of taxable crude oil.

“SEC. 5898. SPECIAL RULES AND DEFINITIONS.

“(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

“(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary

and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

“(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) DEFINITIONS.—For purposes of this chapter—

“(1) PRODUCER.—The term ‘producer’ means the holder of the economic interest with respect to the crude oil.

“(2) CRUDE OIL.—

“(A) IN GENERAL.—The term ‘crude oil’ includes crude oil condensates and natural gas-oline.

“(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of the chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

“(3) BARREL.—The term ‘barrel’ means 42 United States gallons.

“(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.”.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 56. TEMPORARY WINDFALL PROFIT ON CRUDE OIL.”.

(3) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any taxable year beginning in 2006.

(b) HOUSEHOLD REBATE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. HOUSEHOLD REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$450.

“(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than June 1, 2006.

“(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$40,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Household rebate.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SA 3625. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading “DEPARTMENT OF HEALTH AND HUMAN SERVICES”—Office of the Secretary, insert the following:

**PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND**

For an additional amount for the Public Health and Social Services Emergency Fund for emergency expenses to respond to Hurricane Katrina to provide grants to public entities, not-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers that remained open and operating during Hurricane Katrina in the severely affected Parishes and Counties in the Presidentially declared disaster area on August 29, 2005, to reimburse such entities, suppliers, and providers for healthcare-related expenses or lost revenues directly attributable to the public health emergency resulting from Hurricane Katrina, \$100,000,000 to remain available until expended: *Provided*, That such funds shall not be used for expenses or lost revenues that have previously been reimbursed or that are eligible for reimbursement from other sources: *Provided further*, That amounts made available in this Act under title II under the heading “DISASTER RELIEF” for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be reduced by \$100,000,000.

SA 3626. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 166, line 12, insert before the colon the following: “, and may be equal to not more than 50 percent of the annual operating budget of the local government”.

SA 3627. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

**SMALL BUSINESS RELIEF FROM HURRICANE
KATRINA AND HURRICANE RITA**

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

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

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

(3) by adding at the end the following: “(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane

Katrina of August 2005 or Hurricane Rita of September 2005.”

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

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

“(1) IN GENERAL.—Except as provided in paragraph (2), the Program”; and

(2) by adding at the end the following:

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

SA 3628. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term “covered funds” means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

SA 3629. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the comprehensive review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific times for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

“(12) The process by which the Department of Defense briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the processing, disposition, and transportation of the remains of such decedents, which process shall—

“(A) provide for the provision of such briefings by the most qualified Department personnel available;

“(B) ensure the provision of such briefings as soon as possible after death;

“(C) ensure that such briefings relate the most complete and accurate information available at the time of such briefings;

“(D) provide for comprehensive and timely updates of such briefings, when warranted;

“(E) ensure, to the extent possible, that incomplete or unverified information is not provided during the course of such briefings or updates; and

“(F) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.”

SA 3630. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER
HURRICANE RESPONSE PLAN FOR THE 2006
HURRICANE SEASON

SEC. 2201. (a) In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

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

(3) the term “major disaster” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

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

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

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

(b) Not later than May 31, 2006, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the status of the disaster response plan of the Administration for the 2006 Atlantic hurricane season.

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

(1) the plan of the Administrator for responding quickly and efficiently after the occurrence of a major disaster during the 2006 Atlantic hurricane season and subsequent

major disasters (including preparation and planning for disaster response resources and staff, such as identifying loss verifiers and technical assistance staff to deploy to potential disaster areas in advance of chartable events such as hurricanes);

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

(3) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration (including the small business development centers);

(4) the contingency plans of the Administration, if any, for handling increases in the volume of applications under the Disaster Loan Program during the 2006 Atlantic hurricane season (including detailed plans for using local banks, credit unions, and businesses in an area in which the President declares a major disaster or the hiring of additional loan processing and loss verification staff);

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

(6) information on the plans of the Administration, if any, for upgrading the Disaster Loan Program application processing system, including—

(A) the user capacity of the system; and

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

(7) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(8) information (including potential cost estimates) on whether—

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

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

(9) the inservice and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);

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

(A) standard procurement procedures during nondisaster periods;

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

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

(D) whether any administrative or legislative changes are needed to allow the Administration to be exempt from the normal General Service Administration procurement process in response to a disaster; and

(12) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005.

SA 3631. Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. BAYH) submitted

an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER
DISASTER LOAN PROGRAM MONTHLY
ACCOUNTING REPORT

SEC. 2201. (a) In this section—

(1) the term “applicable period” means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster; and

(2) the term “major disaster” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator of the Small Business Administration shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

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

(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

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

(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);

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

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

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

SA 3632. Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGA-

MAN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BIDEN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 117, between lines 9 and 10, insert the following:

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

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

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

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

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

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

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

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

“(B) is allocable to such pay period.

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

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

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

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

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

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

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

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

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

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

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

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

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

“(f) For purposes of this section—

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

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

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

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

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

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—OIL COMPANY
ACCOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) **IN GENERAL.**—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. ENERGY TAX REBATE.

“(a) **GENERAL RULE.**—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$500.

“(b) **REMITTANCE OF PAYMENT.**—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

“(c) **CERTAIN PERSONS NOT ELIGIBLE.**—This section shall not apply to—

“(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$120,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item: “Sec. 6430. Energy tax rebate.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer’s cost of goods sold for such taxable year, the taxpayer’s gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

- (A) \$18.75, and
- (B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by re-

designating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred dur-

ing any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of \$500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3634. Mr. SMITH (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION
MEDICAL SERVICES

For an additional amount for “Medical Services” for the Department of Veterans Affairs to increase mental health staffing at community-based outpatient clinics, to establish post-traumatic stress disorder (PTSD) and readjustment related service programs with primary care physicians, mental health clinicians, and post-traumatic stress disorder coordinators, and to provide access to family therapy services, \$29,000,000, to remain available until September 30, 2007: *Provided*, That the Secretary of Veterans Affairs shall certify to Congress not later than October 15, 2007, whether funds appropriated under this heading were expended for the specific purposes for which they are provided under this heading, and for no other purpose: *Provided further*, That the Secretary include with the certification required under the preceding proviso a report describing the degree to which funds described in that proviso improved mental health staffing in community-based outpatient clinics, provided for family therapy services, and improved mental health care for veterans generally and veterans from Operation Iraqi Freedom and Operation Enduring Freedom in particular: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3635. Mr. ALLEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

FEDERAL FUELS LIST

SEC. 7. (a) Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by striking the second clause (v) and inserting the following:

“(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans.

“(II) The Administrator, in consultation with the Secretary of Energy (referred to in this clause as the ‘Secretary’), shall—

“(aa) determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans; and

“(bb) not later than 90 days after the date of enactment of this item, publish in the Federal Register a list of the fuels described in item (aa), including the states and Petroleum Administration for Defense District in which they are used.

“(III) The Administrator—

“(aa) shall remove a fuel from the list published under subclause (II) if the fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator; and

“(bb) reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

“(IV) Subclause (I) shall not limit the authority of the Administrator to approve a control or prohibition respecting any new fuel under this paragraph in an implementation plan of a State, or a revision to such a plan, after the date of enactment of this subclause if the new fuel completely replaces a fuel on the list published under subclause (II).

“(V)(aa) Except as provided in item (bb), in considering the implementation plan of a State or a revision to such a plan, the Administrator shall have no authority under this paragraph to approve any fuel unless that fuel was, as of the date of the consideration, approved in at least 1 State implementation plan in the applicable Petroleum Administration for Defense District.

“(bb) The Administrator may approve as part of a State implementation plan, or a revision to such a plan, a fuel with a summertime Reid Vapor Pressure of 7.0 psi, but such an approval by the Administrator shall not cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

“(VI) Nothing in this clause affects any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with that subsection after the date of enactment of this subclause.

“(vii)(I) Clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause (V) is achieved, at which time clause (v) shall no longer apply and the limitations of the authority of the Administrator under subclause (IV) shall apply.

“(II)(aa) Not later than 1 year after the date of enactment of this clause, the Administrator, in coordination with the Secretary and after providing notice and an opportunity for public comment, shall identify and publish in the Federal Register a list, to be known as the ‘Federal Fuels List’, containing 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b).

“(bb) The list shall include 1 Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator in effect as of the date of enactment of enactment of this clause and shall permit the implementation of 1 alternative diesel fuel, approved under this subparagraph before that date for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date), 1 conventional gasoline for ozone attainment areas, 1 reformulated gasoline (RFG) meeting the re-

quirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

“(cc) None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(III)(aa) Gasolines and diesel fuels shall be included on the Federal Fuels List based on an analysis by the Administrator of the ability of the fuels to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List.

“(bb) In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend the implementation of this clause.

“(cc) The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1108) on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

“(IV)(aa) On publication of the Federal Fuels List, the Administrator shall have no authority, in considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not 1 of the fuels on the Federal Fuels List or to approve an implementation plan or plan revision of a State to move from 1 fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the judgment of the Administrator, the plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas.

“(bb) A finding of the Administrator under item (aa) shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

“(V) The Administrator, in consultation with the Secretary, shall—

“(aa) develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List; and

“(bb) not later than 18 months after the date of enactment of this subclause, promulgate implementing regulations for this plan.

“(VI) The harmonization plan under subclause (V) shall be fully implemented by the States by not later than December 31, 2008.”

(b) Section 1541 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

“(C) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

“(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary shall undertake a study of the

effects of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) on—

- “(A) air quality;
- “(B) the number of fuel blends;
- “(C) fuel availability;
- “(D) fuel fungibility; and
- “(E) fuel costs.

“(2) FOCUS OF STUDY.—

“(A) IN GENERAL.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system.

“(B) INCLUSIONS.—The study under paragraph (1) shall include an analysis of—

“(i) the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended;

“(ii) the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including—

“(I) a fuel blend of on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before the date of enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date);

“(II) a fuel blend of conventional gasoline for ozone attainment areas;

“(III) a fuel blend of reformulated gasoline (RFG) meeting the requirements of subsection (k); and

“(IV) 2 gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

“(3) CONDUCT OF STUDY.—

“(A) IN GENERAL.—In carrying out this subsection, the Administrator and the Secretary shall—

“(i) use sound science and objective science practices;

“(ii) consider the best available science;

“(iii) use data collected by accepted means; and

“(iv) consider and include a description of the weight of the scientific evidence.

“(B) COORDINATION WITH OTHER STUDIES.—The Administrator and the Secretary shall—

“(i) coordinate the study required by this section with other studies required by this Act; and

“(ii) avoid duplication of effort with regard to those studies, to the maximum extent practicable.

“(4) RESPONSIBILITY OF ADMINISTRATOR.—In carrying out the study under this subsection, the Administrator shall—

“(A) coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study;

“(B) use sound and objective science practices; and

“(C) take into consideration the best available science; and

“(D) take into consideration and include a description of the weight of the scientific evidence.

“(5) RESPONSIBILITY OF SECRETARY.—In carrying out the study under this subsection, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

“(6) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act,

the Administrator and the Secretary shall jointly submit to Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study under this subsection, including any recommended regulatory and legislative changes.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator and the Secretary \$500,000 for the completion of the study under this subsection.”.

SA 3636. Ms. STABENOW submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—OIL COMPANY ACCOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. ENERGY TAX REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$500.

“(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

“(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$120,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Energy tax rebate.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

(A) \$18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of \$500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3637. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS

SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby increased by \$10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", as increased by subsection (a), \$10,000,000 shall be available for grants to research institutions of higher education for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

SA 3638. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE

SEC. 1312. (a) MODIFICATION OF ELIGIBILITY.—Section 910(b)(1) of title 10, United States Code, is amended by striking "18 continuous months of service" and inserting "six continuous months of service".

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount appropriated by this chapter under the heading "MILITARY PERSONNEL" is hereby increased by \$27,000,000.

(2) AVAILABILITY.—Of the amounts appropriated by this chapter under the heading "MILITARY PERSONNEL", as increased by paragraph (1), \$27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 10, United States Code, as a result of the amendment made by subsection (a).

SA 3639. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 14 and 15, insert the following:

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", \$12,000,000, for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3640. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes;

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

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baker, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pur-

sue their goals," and "Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons".

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify 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.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State \$100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify 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 of the proposed designation. The notification may be in classified form.

(e)(1)(A) The amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS" is hereby increased by \$12,500,000.

(B) The amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND" is hereby increased by \$12,500,000.

(2)(A) Of the amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS", as increased by paragraph (1)(A), \$12,500,000 shall be made available for democracy programs and activities in Iran.

(B) Of the amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND", as increased by paragraph (1)(B), \$12,500,000 shall be made available for democracy programs and activities in Iran.

(3) The amount appropriated or otherwise made available by chapter 3 of title I under the heading "OTHER PROCUREMENT, ARMY" and available for Army modularity is hereby reduced by \$25,000,000.

SA 3641. Mr. COBURN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading "Capital Grants for Rail Line Relocation Projects" may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by \$700,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by \$15,000,000.

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading "Emergency Relief Program" may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by \$594,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by \$20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading "National and Community Service Programs, Operating Expenses" may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by \$20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading "Aircraft Procurement, Navy" may be available for the procurement of V-22 aircraft, and the amount made available under such heading is reduced by \$230,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the American River (Common Features) project in California, and the amount made avail-

able under such heading is reduced by \$3,300,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by \$10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading "Major Construction" may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by \$176,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by \$10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by \$20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by \$6,250,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by \$50,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by \$90,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by \$25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or

otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by \$200,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by \$11,300,000.

SA 3642. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION
MEDICAL SERVICES

For an additional amount for "Medical Services" for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, \$430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, \$168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, \$80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"): *Provided further*, That of the amount under this heading \$182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3643. Mr. SALAZAR (for himself, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION

SEC. 1312. (a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

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

(2) In section 1476(a)—
(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

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

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

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

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

(6) In section 1489—
(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

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

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

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

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

SA 3644. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 102, line 15, insert after "the threats," the following: "the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices."

SA 3645. Mr. SALAZAR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH PROJECTS

SEC. _____. In addition to any other funds made available by this Act, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, Wildland Fire Management, \$30,000,000 for hazardous fuels and forest health projects focused on reducing the risk of catastrophic

fires and mitigating the effects of widespread insect infestations: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3646. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS

SEC. 7032. (a) The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees.

SA 3647. Mrs. HUTCHISON (for herself and Mr. BURNS) proposed an amendment to amendment SA 3642 proposed by Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Before the period at the end of the amendment insert the following:

Provided further, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement.

SA 3648. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 139, line 8, insert after “and” the following: “replace or”. On page 139, line 17, insert after “docks” the following: “vessels”. On page 140, line 22, after “repairing” and “vessels and”

SA 3649. Mr. ALLEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.

(a) FINDINGS.—Congress finds that—

(1) on November 4, 1979, the Iranian militants seized the United States Embassy in Tehran, Iran, and held 52 Americans hostage for 444 days until their negotiated release on January 20, 1981;

(2) on January 19, 1981, the United States Department of State entered into a series of agreements with Iran that came to be known as the Algiers Accords. The accords established the United States-Iran Claims Tribunal to adjudicate United States and Iranian commercial claims. The Accords, however, precluded the 52 American hostages or their families from bringing suit against Iran for their seizure, detention, torture, and injuries;

(3) on December 29, 2000, the 52 American hostages and their spouses and children filed suit in the United States District Court for the District of Columbia, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132);

(4) on August 6, 2001, the District Court entered a default judgment against Iran after certifying the case as a class action;

(5) the United States Department of State intervened in the case of the former American hostages and their families, and successfully moved to vacate the decision against Iran by invoking the Algiers Accords;

(6) the former American Hostages and their families have been denied the rights given every other American citizen to prosecute their claims against a state sponsor of terrorism pursuant to the Antiterrorism and Effective Death Penalty Act of 1996; and

(7) a common fund should be established to recognize these American heroes.

(b) COMMON FUND FOR HOSTAGES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall commence payments to a common fund to be established and administered by the certified class representatives for the former American hostages in Iran and their survivors (as identified in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia).

(2) ADMINISTRATION.—The common fund shall—

(A) be administered to pay claims to the Americans held hostage in Iran and to members of their families, and the estates of those hostages and family members who have since died, who were identified as class members in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia; and

(B) be administered for the purpose of satisfying such claims, as approved by the certified class representatives identified in that case number.

(c) FUNDING.—Payments to the common fund under subsection (b) shall be derived from the liquidation of blocked assets (as defined in section 201(d)(2) of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297; 28 U.S.C. 1610 note) with respect to Iran, and from amounts in the Iran Foreign Military Sales Fund account within the Foreign Military Sales Fund. The Secretary of the Treasury may use the interest in the Iran Foreign Military Sales Fund account, the principal in the account, or liquidate assets for purposes of this subsection.

(d) AMOUNT.—The Secretary of the Treasury shall make payments into the fund in amounts equal to—

(1) for each former hostage identified as a class member under subsection (b)(1), \$1,000 for each day of captivity;

(2) for each spouse and child identified as a class member under subsection (b)(1), \$500 for each day of captivity of the former hostages; and

(3) interest on each amount under paragraph (1) and (2), calculated at the historical daily prime rate, as published by the Board of Governors of the Federal Reserve System, for the period from the date of the release of the hostages until the date of payment under this section.

(e) TAXES.—Payments to the former American hostages and their family members pursuant to this section shall be exempt from Federal taxes.

SA 3650. Mr. OBAMA (for himself, Mr. AKAKA, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
GENERAL OPERATING EXPENSES

For an additional amount for “General Operating Expenses”, \$80,000,000, to improve timeliness and accuracy of claims processing, rating, and adjudication, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3651. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. . WORKING FAMILY TAX RELIEF.

For purposes of section 24(d) of the Internal Revenue Code of 1986 (relating to portion of child tax credit made refundable), in the case of any taxable year beginning during 2006 or 2007, with respect to any taxpayer who had a primary residence in the Hurricane Katrina disaster area (as defined in section 1400M(2) of such Code) on August 28, 2005, clause (i) of section 24(d)(1)(B) of such Code shall be applied by substituting 10 per-

cent of the taxpayer’s earned income for such taxable year for the amount which would otherwise be determined under such clause for such taxable year. A taxpayer may elect not to have this section apply for any taxable year.

SA 3652. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after “Provided, That” insert the following: “\$1,000,000 shall be for the efforts of the Director of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, ongoing on the date of enactment of this Act to assist individuals displaced by Hurricane Katrina of 2005, in locating members of their family: Provided further, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall conduct an assessment regarding how to modify the Louisiana family assistance call center model for use in major disasters (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act: Provided further, That not later than 1 year after the date of the conclusion of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable: Provided further, That”.

SA 3653. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, lines 20, after “Provided, That” insert the following: “\$500,000 shall be for the Secretary of Homeland Security, acting through the Office of State and Local Government Coordination and Preparedness and the Office for Civil Rights and Civil Liberties, to take appropriate actions to carry out recommendation 43 (regarding improving evacuation procedures for people with special needs) in the report by the Assistant to the President for Homeland Security and Counterterrorism entitled ‘The Federal Response to Hurricane Katrina: Lessons Learned,’ dated February 23, 2006: Provided further, That”.

SA 3654. Mr. REID (for Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
SUPPORT FOR MENTAL HEALTH AND
READJUSTMENT PROGRAMS

SEC. 1601. Congress makes the following findings:

(1) Not all the wounds caused by war are physical.

(2) In July of 2004, the New England Journal of Medicine reported that one of every six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or post-traumatic stress disorder (PTSD).

(3) A more recent study in the *Journal of the American Medical Association* found that 19.1 percent of returning veterans from Iraq, and 11.3 percent of veterans returning from Afghanistan, reported mental health problems.

(4) Historic experience reveals that soldiers will return from war having to cope with a range of emotional issues, regardless of whether or not they are diagnosed with post-traumatic stress disorder.

(5) Care for veterans is an ongoing cost of war.

(6) The New Hampshire National Guard pioneered a new approach to meeting the mental health and readjustment needs of its soldiers.

(7) The New Hampshire model stipulates that as part of a comprehensive return and readjustment program, members of the National Guard receive individual counseling with counselors from Vet Centers who specialize in treating war trauma and related readjustment issues.

(8) The counseling is both mandatory and confidential, destroying any stigma associated with seeking help for emotional mental health problems.

(9) Of the first 810 soldiers to pass through the screening process, nearly 200 have received counseling.

(10) Counselors at Vet Centers are highly trained in readjustment counseling. Sixty percent of the counselors in Vet Centers are veterans themselves, 40 percent are combat veterans, and all are very experienced with helping veterans and their families deal with the challenges of readjustment.

(11) The greatest obstacle to the adoption of the New Hampshire program nationwide is the lack of resources available to Vet Centers.

(12) In fiscal year 2004, Vet Centers served 125,859 veterans in more than 1,000,000 visits.

(13) Even without the war in Iraq, Vet Centers were already overloaded with cases.

(14) In fiscal year 2005, Vet Centers were expected to provide services to nearly 14,000 veterans of Iraq and Afghanistan in almost 44,000 office visits, and more than 3,800 of these veterans had post-traumatic stress disorder.

(15) As of the end of February 2006, Vet Centers provided services to 70,547 veterans of operations in Iraq and Afghanistan in 2006.

MEDICAL SERVICES

For an additional amount for "Medical Services", \$100,000,000, for the Readjustment Counseling Services of the Department of Veterans Affairs to expand transition programs, increase screening for post-traumatic stress disorder (PTSD), and expand resources available for treatment of post-traumatic stress disorder: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3655. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

REPORT ON ASSISTANCE FOR IRAQ

SEC. . Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report setting forth the procedures in place to ensure that United States assistance is not provided to security force units in Iraq credibly alleged to be involved in gross human rights violations, including the procedures for vetting all police, military and other security force units receiving such assistance, monitoring the use of such assistance, and maintaining a list of units ineligible to receive such assistance.

SA 3656. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRAVEL DOCUMENT PLAN.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "June 1, 2009".

SA 3657. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike "\$136,290,000" and insert in lieu thereof "\$171,290,000".

SA 3658. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 13, after the colon insert the following:

Provided further, That of the funds appropriated under this heading for assistance for Iraq, not less than \$16,000,000 shall be made available to the United States Agency for International Development for continued support for its Iraq Civil Society and Media Program: *Provided further*, That funds made available under the previous proviso shall be in addition to funds appropriated by this Act that are available to the United States Agency for International Development for Iraq

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike "\$10,500,000" and insert in lieu thereof "\$20,500,000".

On page 117, line 26, after "That" insert the following:

of the funds appropriated under this heading, \$10,000,000 shall be made available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: *Provided further*, That

SA 3660. Mr. LEAHY (for himself, Mr. COLEMAN, and Ms. MURKOWSKI) sub-

mitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking "which" before "engages in, or has a subgroup" and inserting in lieu thereof "that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified"; and

(2) by adding at the end, the following new clause:

"(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General or Secretary of Homeland Security when applying for admission) that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted."

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations:

SA 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC.—. For purposes of oversight by and determining the termination date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108-375; 118 Stat. 2081), and section 599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102; 119 Stat. 2240), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT", "ECONOMIC SUPPORT FUND",

“INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT,” and “INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE”.

(2) Funds appropriated or otherwise made available for assistance for Iraq by title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) under the heading “ECONOMIC SUPPORT FUND”.

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 1, strike “in Iran” and insert in lieu thereof:

, of which \$34,750,000 shall be made available to promote democracy in Iran and of which \$5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo

On page 121, line 2, after “heading” insert “for assistance for Iran”.

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking “which” before “engages in, or has a subgroup” and inserting in lieu thereof “that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified”; and

(2) by adding at the end, the following new clause:

“(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the Secretary of State, Attorney General or Secretary of Homeland Security that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien’s situation would not have resisted.”

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than \$55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is \$10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7032. (a) In this section, the term “fair market value” means the value of a parcel of land, as determined by an appraisal performed by an independent, certified appraiser in accordance with the Uniform Standards of Professional Appraisal Practice.

(b) Subject to subsection (c), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109-148; 119 Stat. 2680), the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109-114; 119 Stat. 2372), or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

- (1) condemnation;
- (2) seizure by a Federal entity of private property; or
- (3) eminent domain.

(c) The prohibition on the use of funds described in subsection (b) shall not apply to a land exchange between a willing seller and a willing buyer in which the exchanged land is purchased for an amount that does not exceed the fair market value of that land.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, line 17, strike “\$60,000,000” and insert “\$80,000,000”.

On page 161, line 19, insert “, and in Jefferson Parish in the vicinity of Jean Lafitte,” after “Plaquemines Parish”.

On page 162, line 4, strike “\$641,500,000” and insert “\$621,500,000”.

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

LA LOUTRE RIDGE PROJECT

SEC. 7 _____. For purposes of chapter 3 of title I of division B of the Department of De-

fense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 21, insert “Provided further, That no State shall be allocated less than 3.5 percent of the amount provided under this heading:” after “impacted areas:”.

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SEC. _____. WINDFALL PROFITS TAX; ENERGY CONSUMER REBATE.

(a) WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

“CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

“Sec. 5896. Imposition of tax.
“Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.

“Sec. 5898. Special rules and definitions.

“SEC. 5896. IMPOSITION OF TAX.

“(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year an excise tax equal to the excess of—

“(1) the amount equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during each taxable year, over

“(2) the amount of qualified investment by such company during such taxable year.

“(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

“(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

“SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE; QUALIFIED INVESTMENT.

“(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

“(b) REMOVAL PRICE.—For purposes of this chapter—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘removal price’ means the amount for which the barrel of taxable crude oil is sold.

“(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons,

the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

“(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

“(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

“(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(5) PROPERTY.—The term ‘property’ has the meaning given such term by section 614.

“(C) ADJUSTED BASE PRICE DEFINED.—

“(1) IN GENERAL.—For purposes of this chapter, the term ‘adjusted base price’ means \$40 for each barrel of taxable crude oil plus an amount equal to—

“(A) such base price, multiplied by

“(B) the inflation adjustment for the calendar year in which the taxable crude oil is removed from the property.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—For purposes of paragraph (1), the inflation adjustment for any calendar year after 2006 is the percentage by which—

“(i) the implicit price deflator for the gross national product for the preceding calendar year, exceeds

“(ii) such deflator for the calendar year ending December 31, 2005.

“(B) FIRST REVISION OF PRICE DEFLATOR USED.—For purposes of subparagraph (A), the first revision of the price deflator shall be used.

“(d) QUALIFIED INVESTMENT.—For purposes of this chapter—

“(1) IN GENERAL.—The term ‘qualified investment’ means any amount paid or incurred with respect to—

“(A) section 263(c) costs,

“(B) qualified refinery property (as defined in section 179C(c) and determined without regard to any termination date),

“(C) any qualified facility described in paragraph (1), (2), (3), or (4) of section 45(d) (determined without regard to any placed in service date),

“(D) any facility for the production of alcohol used as a fuel (within the meaning of section 40) or biodiesel or agri-biodiesel used as a fuel (within the meaning of section 40A).

“(2) SECTION 263(C) COSTS.—For purposes of this subsection, the term ‘section 263(c) costs’ means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of this title (other than this paragraph). Such term shall not include costs incurred in drilling a nonproductive well.

“SEC. 5898. SPECIAL RULES AND DEFINITIONS.

“(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

“(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such

oil as the Secretary may by regulations prescribe.

“(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) DEFINITIONS.—For purposes of this chapter—

“(1) PRODUCER.—The term ‘producer’ means the holder of the economic interest with respect to the crude oil.

“(2) CRUDE OIL.—

“(A) IN GENERAL.—The term ‘crude oil’ includes crude oil condensates and natural gas-oline.

“(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of this chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

“(3) BARREL.—The term ‘barrel’ means 42 United States gallons.

“(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

“(g) TERMINATION.—This section shall not apply to taxable crude oil removed after the date which is 3 years after the date of the enactment of this section.”

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 56. WINDFALL PROFIT ON CRUDE OIL.”

(3) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to crude oil removed after the date of the enactment of this Act, in taxable years ending after such date.

(B) TRANSITIONAL RULES.—For the period ending December 31, 2006, the Secretary of the Treasury or the Secretary’s delegate shall prescribe rules relating to the administration of chapter 56 of the Internal Revenue Code of 1986. To the extent provided in such rules, such rules shall supplement or supplant for such period the administrative provisions contained in chapter 56 of such Code (or in so much of subtitle F of such Code as relates to such chapter 56).

(b) ENERGY CONSUMER REBATE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. ENERGY CONSUMER REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for each taxable year beginning after December 31, 2005, in an amount equal to the lesser of—

“(1) the amount of the taxpayer’s liability for tax for such taxpayer’s preceding taxable year, or

“(2) the applicable amount.

“(b) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for any taxable year shall be the excess (if any) of—

“(1) the sum of—

“(A) the taxpayer’s regular tax liability (within the meaning of section 26(b)) for the taxable year,

“(B) the tax imposed by section 55(a) with respect to such taxpayer for the taxable year, and

“(C) the taxpayer’s social security taxes (within the meaning of section 24(d)(2)) for the taxable year, over

“(2) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits) for the taxable year.

“(c) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount for any taxpayer shall be determined by the Secretary not later than the date specified in subsection (d)(1) taking into account the number of such taxpayers and the amount of revenues in the Treasury resulting from the tax imposed by section 5896 for the calendar year preceding the taxable year.

“(d) DATE PAYMENT DEEMED MADE.—

“(1) IN GENERAL.—The payment provided by this section shall be deemed made on February 1 of the calendar year ending with or within the taxable year (July 1, in the case of calendar year 2006).

“(2) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in paragraph (1) not later than the date which is 30 days after the date specified in paragraph (1).

“(e) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual’s taxable year begins,

“(2) any estate or trust, or

“(3) any nonresident alien individual.”

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Energy consumer rebate.”

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

NOTICES OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 amendment No. 3670. (The amendment is printed in today’s RECORD under “Text of amendments.”)

Mr. DOMENICI. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 the attached amendment, as follows:

On page 253, between lines 19 and 20, insert the following: