

S 1689

Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction Act, 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Economics and Public Finance

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Sponsor

Name: Sen. Stevens, Ted [R-AK]

Party: Republican • **State:** AK • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	Senate	Reported Original Measure	Sep 30, 2003

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

Bill	Relationship	Last Action
108 HR 3289	Related document	Nov 6, 2003: Became Public Law No: 108-106.

Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction Act, 2004 - Makes emergency supplemental appropriations for FY 2004 for military and foreign affairs operations concerning Iraq and Afghanistan, including for Iraqi relief and reconstruction.

Title I: National Security - Chapter 1: Department of Defense - Makes appropriations for the Department of Defense (DOD) for: (1) military personnel; (2) operation and maintenance (O&M); (3) overseas humanitarian, disaster, and civic aid; (4) the Iraq Freedom Fund; (5) procurement; (6) research, development, test and evaluation; (7) the Working Capital Fund and the National Defense Sealift Fund; (8) the Defense Health Program; (9) drug interdiction and counter-drug activities related to Afghanistan; and (10) the Intelligence Community Management Account.

Chapter 2: Military Construction - Makes appropriations for military construction for the Army and Air Force.

Chapter 3: General Provisions, This Title - (Sec. 301) Amends the Afghanistan Freedom Support Act of 2002 to increase from \$300 million to \$450 million the aggregate value of authorized assistance to the Government of Afghanistan and eligible foreign countries and international organizations to direct the drawdown of defense articles and services and military education and training.

(Sec. 306) Increases during FY 2004 the: (1) rates of hostile fire or imminent danger special pay; and (2) family separation allowance for military personnel.

(Sec. 308) Requires a report from the Secretary of Defense to the congressional appropriations committees on progress in sending quarterly classified reports required under the Department of Defense Appropriations Act, 2004.

(Sec. 310) Allows DOD O&M funds to be used to: (1) provide logistical support to coalition forces supporting military and stability operations in Iraq; and (2) enhance the capability of the New Iraqi Army and Afghan National Army to combat terrorism and support U.S. military operations in Iraq and Afghanistan.

(Sec. 312) Requires a report from the Secretary on the military readiness implications of the participation of U.S. ground combat forces in Operation Iraqi Freedom.

(Sec. 313) Exempts from the payment of subsistence charges while being hospitalized in a military medical facility an officer, former officer, an enlisted member, or former enlisted member who is hospitalized because of an injury or disease incurred: (1) as a direct result of armed conflict; (2) while engaged in hazardous service; (3) in the performance of duty under conditions simulating war; or (4) through an instrumentality of war.

(Sec. 314) Authorizes the Secretary to transfer up to \$150 million of funds appropriated to the contingency construction account to carry out military construction projects not otherwise authorized by law, after notifying the appropriate congressional committees that the transfer is necessary to respond to, or protect against, acts or threatened acts of terrorism or to support DOD operations in Iraq.

(Sec. 315) Expresses the sense of the Senate recognizing and commending: (1) members of the U.S. armed forces and the allies of the United States and their ground forces who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq; and (2) the military families, employers, defense civilians and contractors, and communities and patriotic organizations that lent their support to the armed forces during such Operations.

(Sec. 316) Makes funds from the Iraq Freedom Fund available to reimburse military personnel for costs of air fare

incurred for travel within the United States in FY 2003 or 2004 while the member is on rest and recuperation leave from deployment overseas in support of Operations Iraqi Freedom and Enduring Freedom, but only for one round trip by air between two locations within the United States. Expresses the sense of Congress that the commercial airline industry should charge such members and their families specially discounted, lowest available air fares for travel in connection with such leave, and that any restrictions and limitations imposed in connection with such fares should be minimal.

(Sec. 317) Allows the administering Secretaries, at any time after notifying members of the Ready Reserve that they are to be called or ordered to active duty, to provide to each such member any medical and dental screening and care necessary to meet applicable standards for deployment. Requires the Secretary concerned to promptly notify such members of their eligibility for such screening and care. Terminates such authority on September 30, 2004.

(Sec. 318) Makes each member of the Selected Reserve and Individual Ready Reserve who is placed in a mobilization category (subject to being ordered to active duty involuntarily) eligible to enroll in TRICARE and receive benefits for any period that such member: (1) is an eligible unemployment compensation recipient; or (2) is not eligible for health-care benefits under an employer-sponsored health benefits plan. Allows either self alone or self and family TRICARE coverage. Directs the Secretary to: (1) provide for at least one open enrollment period each year; and (2) charge appropriate premiums for such coverage. Prohibits a member from enrolling in the TRICARE program while entitled to DOD transitional health care.

(Sec. 319) Authorizes the Secretary concerned to pay the applicable premium to continue in force any qualified health plan coverage for a reserve member (and his or her dependents) while the member is serving on active duty pursuant to a call or order issued during a war or national emergency declared by the President or Congress. Limits DOD premium payment amounts and provides a conditional coverage period. Requires the continuation of COBRA coverage during such period. Prohibits simultaneous coverage under both the qualified health plan and TRICARE.

(Sec. 320) Sets forth conditions under which a member of the reserves who is issued a delayed-effective-date active duty order shall be treated as being on active duty for more than 30 days and therefore eligible for medical and dental care for active-duty personnel. Terminates such authority at the end of FY 2004.

(Sec. 321) Revises transitional health care benefits authorized for members separated from active duty for specified periods (with higher authorized separation periods for those with higher periods of total active-duty service).

(Sec. 322) Earmarks specified Iraq Freedom Fund amounts for the procurement of additional Up-Armored High Mobility Multipurpose Wheeled Vehicles. Directs the Secretary of the Army to reevaluate requirements and options for armored security vehicles.

(Sec. 323) Earmarks specified Army O&M funds for operating expenses of the Coalition Provisional Authority (CPA). Requires the Office of Inspector General of the CPA to be established within 30 days after enactment of this Act.

(Sec. 324) Requires a monthly report from the President or his designee to Congress detailing: (1) the areas of Iraq determined to be largely secure and stable; and (2) the extent to which U.S. troops have been replaced in such areas by non-U.S. coalition forces, United Nations forces, or Iraqi forces.

(Sec. 325) Expresses the sense of Congress that: (1) any U.S. citizen who was a prisoner of war or who was used by the regime of Saddam Hussein and Iraq as a so-called human shield during the First Gulf War (Operations Desert Shield and Desert Storm) should have the opportunity to have any claim for damages caused by Saddam Hussein and Iraq fully adjudicated in the appropriate U.S. district court; (2) any judgment obtained therefrom should be fully enforced; and (3)

the Attorney General should enter into negotiations with each such citizen or his or her family to develop a method of providing compensation for such damages, including the use of seized assets of the Hussein regime.

(Sec. 326) Directs: (1) the Secretary to report to the defense committees on the utilization of the National Guard and reserves in support of contingency operations during FY 2004; and (2) the Secretary of Homeland Security to report to Congress on the effects of the deployments of the National Guard and reserves on law enforcement and homeland security in the United States.

(Sec. 327) Requires quarterly reports, through FY 2004, from the Special Advisor to the Director of Central Intelligence for Strategy and Iraq to the intelligence committees and specified defense subcommittees on the status of efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(Sec. 328) Provides for the determination of the initial deployment date for members called or ordered to active duty and deployed outside the United States.

(Sec. 329) Earmarks specified funds appropriated under this title for the Family Readiness Program of the National Guard.

(Sec. 330) Requires a report from the Secretary to the defense and appropriations committees on Navy plans for basing aircraft carriers through 2020.

(Sec. 331) Authorizes an additional 10,000 Army personnel as of September 30, 2004, to be trained in, and to perform, constabulary duty in such specialties as military police, light infantry, civil affairs, and special forces. Earmarks funds from the Iraq Freedom Fund for the additional personnel costs.

(Sec. 332) - Reservists Pay Security Act of 2003 - Entitles a person who is absent from his or her position of Federal employment in order to perform active duty under a call or order to active duty to receive from his or her agency an amount that, when added to the pay and allowances for such service, equals the basic pay which would have been payable to such employee for the period of service for which such employee is not otherwise compensated. Requires the application of Federal reemployment rights for such individuals. Terminates such authority at the end of FY 2004.

(Sec. 333) Expresses the sense of the Senate that the Secretary should, on an expedited basis, issue necessary regulations to implement the award of the Global War on Terrorism Expeditionary Medal (based on deployment abroad for 30 days or more in support of Global War on Terrorism operations on or after September 11, 2001) and to ensure that any person who renders qualifying service with the armed forces, including Operations Iraqi Freedom, Enduring Freedom, and Noble Eagle, promptly receives such award.

(Sec. 334) Places at 90 percent the Federal share of the cost of any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for damage caused by Hurricane Isabel.

(Sec. 335) Earmarks specified funds appropriated by this Act for repair and replacement of DOD and National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

Title II: International Affairs - Chapter 1: Department of State - Makes appropriations for the Department of State for: (1) the administration of foreign affairs; (2) emergencies in the Diplomatic and Consular Service; (3) international narcotics control and law enforcement; and (4) nonproliferation, anti-terrorism, demining, and related programs.

Chapter 2: Bilateral Economic Assistance - Makes appropriations for the Iraqi Relief and Reconstruction Fund for security, rehabilitation, and reconstruction in Iraq.

Makes appropriations for: (1) the United States Agency for International Development, including for the Capital Investment Fund ; (2) the Economic Support Fund; (3) the U.S. Emergency Fund for Complex Foreign Crises; (4) the Foreign Military Financing Program; and (5) peacekeeping operations to support the global war on terrorism.

Chapter 3: General Provisions, This Title - (Sec. 2304) Amends the Emergency Wartime Supplemental Appropriations Act, 2003 to extend through FY 2005 the authority of the President to: (1) suspend the application of any provision of the Iraq Sanctions Act of 1990; and (2) export to Iraq, under certain circumstances, lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or private security force, other official Iraqi security forces or police forces, or forces from other countries in Iraq that support U.S. efforts there.

(Sec. 2306) Extends through FY 2004 an exemption with respect to Pakistan on the prohibition of direct assistance to a country whose duly elected head of government was deposed by decree or military coup.

(Sec. 2309) Requires monthly reports from the CPA on Iraqi oil production and revenues.

(Sec. 2310) Requires quarterly reports from the CPA Administrator to the appropriations and defense committees on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days. Directs the Comptroller General (CG) to conduct an ongoing audit of the CPA, and authorizes the CG to conduct additional investigations as appropriate, to evaluate such activities. Requires a report from the CG to the appropriations committees on all audit and investigation results.

(Sec. 2311) Prohibits the use of available funds from this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 for paying any costs associated with debts incurred by the former government of Saddam Hussein.

(Sec. 2312) Amends the Afghanistan Freedom Support Act of 2002 to require the Secretary of State to submit to specified committees reports on progress made in accomplishing the "Purposes of Assistance" set forth under such Act with respect to assistance provided for Afghanistan.

(Sec. 2313) Provides criminal penalties for war profiteering or fraud committed against the United States or Iraq in connection with military action, relief, and reconstruction efforts in Iraq.

(Sec. 2314) Requires a report from the President to Congress on U.S. efforts to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment by Iraq of funds contributed for infrastructure projects.

(Sec. 2315) Directs the Secretary to certify to Congress the amount that Iraq will pay, or that will be paid on its behalf, during FY 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein. Requires the Director of the Office of Management and Budget to reserve, out of certain unobligated funds appropriated under this Act, the amount so certified. Expresses the sense of Congress that each country that is owed such a debt by Iraq should forgive it.

(Sec. 2316) Expresses the sense of Congress that: (1) arbitrary deadlines should not be set for the dissolution of the CPA or the transfer of its authority to an Iraqi governing authority; and (2) no such dissolution or transfer should occur until the ratification of an Iraqi constitution and the establishment of an elected Iraqi government.

(Sec. 2317) Directs the CG to: (1) review the effectiveness of relief and reconstruction activities conducted by the CPA with the use of funds made available from the Iraq Relief and Reconstruction Fund (IRR Fund); and (2) report quarterly to specified congressional committees on review results.

(Sec. 2318) Prohibits funds under this Act from being obligated or expended for arming, training, or employing individuals under 18 years of age for the Facilities Protection Service or any other security force.

(Sec. 2319) Earmarks specified funds from the IRR Fund for: (1) rebuilding Iraq's security services; (2) Iraq purposes other than security; and (3) loans for Iraqi security, rehabilitation, and reconstruction (as long as the President certifies to Congress that at least 90 percent of the bilateral debt incurred by the regime of Saddam Hussein has been forgiven by the countries owed such debt). Directs the President to notify Congress if, out of the first two amounts earmarked, more than \$250 million is used for any single purpose in Iraq. Requires the head of the CPA to ensure that amounts appropriated under the IRR Fund are expended for appropriate purposes and in a manner that the head of CPA does not find objectionable. Expresses the sense of Congress that each country owed a bilateral debt by Iraq that was incurred by the regime of Saddam Hussein should: (1) forgive such debt; and (2) provide robust amounts of reconstruction aid to Iraq during the conference of donors scheduled to begin on October 23, 2003, in Madrid, Spain, and during other conferences of donors of foreign aid.

(Sec. 2320) Expresses the sense of Congress that the President should: (1) make every effort to increase the level of financial commitment from other nations to improve the physical, political, economic, and social infrastructure of Iraq; and (2) seek to provide aid from the United States to Iraq in a manner that promotes economic growth in Iraq and limits the long-term cost to U.S. taxpayers.

(Sec. 2321) Directs the President to report to Congress every 60 days on U.S. strategy related to post-conflict security, humanitarian assistance, governance, and reconstruction undertaken as a result of Operation Iraqi Freedom.

(Sec. 2322) Requires activities carried out by the United States with respect to: (1) the civilian governance of Afghanistan to include advice from women's organizations, promote inclusion of women in future legislative bodies and encourage the appointment of women to high-level positions; (2) post-conflict stability in those countries to include partnerships with Afghan and Iraqi organizations, access of women to and ownership by women of productive assets, financial assistance for education for women and girls, and education and training programs for former combatants; and (3) training for military and police forces in those countries to include training on the protection, rights, and particular needs of women.

Title III: Leave for Military Families - Military Families Leave Act of 2003 - (Sec. 3002) Amends: (1) the Family and Medical Leave Act of 1993 to entitle an eligible employee to 12 work weeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the armed forces who either is on active duty in support of a contingency operation or has been notified of an impending call or order to such status. Allows such leave only for issues relating to or resulting from such family member's military duty; and (2) Federal law to grant such leave, under the same conditions, to civil service employees.

Title IV: Department of Veterans Affairs - Makes appropriations for medical care and related activities of the Veterans Health Administration of the Department of Veterans Affairs.

Title V: General Provisions, This Act - (Sec. 5001) Directs the President to submit quarterly reports to each Member of Congress on the projected total costs of U.S. operations in Iraq, including military operations and reconstruction efforts, through FY 2008.

(Sec. 5002) Designates each amount provided in this Act as an emergency requirement pursuant to emergency legislation provisions of the congressional budget resolution for FY 2004 (H.Con.Res. 95).

(Sec. 5003) Prohibits the obligation or expenditure of funds appropriated by this Act by the head of an executive agency for payments under certain contracts or agreements relating to Iraq that are not entered into under full and open competition, unless within 30 days after entering into such a contract or agreement, such official: (1) reports the contract or agreement to specified congressional committees; and (2) publishes such report in the Federal Register and Commerce Business Daily. Makes such requirement applicable to any contract or agreement in excess of \$1 million entered into with any public or private sector entity to: (1) build or rebuild physical infrastructure of Iraq; (2) establish or reestablish a political or societal institution of Iraq; (3) provide products or services to the people of Iraq; or (4) perform personnel support services in Iraq. Provides an exception with respect to classified information. Authorizes the Secretary or the Director of Central Intelligence to waive such requirement on a case-by-case basis in the interests of national security (requiring notice and justification to such committees).

(Sec. 5004) Expresses the sense of Congress that the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other U.S. allies.

(Sec. 5005) Directs the CG to conduct studies on the effectiveness and efficiency of contracts in excess of \$40 million performed or to be performed in or relating to Iraq and paid from funds made available in this Act or the Emergency Wartime Supplemental Appropriations Act, 2003, with a special emphasis on profits, overhead, management fees, and related expenditures. Requires two reports to the appropriations committees evaluating such studies and recommending improvements of such contracting process.

(Sec. 5006) Provides that any U.S. citizen held hostage during the period between 1979 and 1981, and their spouses and children at the time, shall have a claim for money damages against a foreign state for personal injury caused by such state's act of torture or hostage taking. Abrogates any conflicting provisions, including those under the Algiers Accord.

(Sec. 5007) Expresses the sense of the Senate that all countries that hold debt from loans to the former Iraqi regime of Saddam Hussein should be urged to forgive such debt.

(Sec. 5008) Mandates that when countermeasures against the threat of shoulder-fired missiles are deployed, the Secretary of Homeland Security, in conjunction with the Secretaries of Defense and Transportation, shall make it a priority to so equip aircraft enrolled in the Civil Reserve Air Fleet.

Actions Timeline

- **Oct 17, 2003:** Considered by Senate. (consideration: CR S12769-12821)
- **Oct 17, 2003:** Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay Vote. 87 - 12. Record Vote Number: 400.
- **Oct 17, 2003:** Passed Senate with amendments by Yea-Nay Vote. 87 - 12. Record Vote Number: 400.
- **Oct 17, 2003:** Senate incorporated this measure in H.R.3289 as an amendment.
- **Oct 17, 2003:** See also H.R.3289.
- **Oct 17, 2003:** Senate vitiated previous passage. (consideration: CR S1232)
- **Oct 17, 2003:** Returned to the Calendar. Calendar No. 296.
- **Oct 16, 2003:** Considered by Senate. (consideration: CR S12643-12669, CR 10/17/2003 S12671-12725)
- **Oct 15, 2003:** Considered by Senate. (consideration: CR S12574-12579, S12579-12599)
- **Oct 14, 2003:** Considered by Senate. (consideration: CR S12490-12493, S12508-12528)
- **Oct 3, 2003:** Considered by Senate. (consideration: CR S12424-12432)
- **Oct 2, 2003:** Considered by Senate. (consideration: CR S12311-12346, S12350-12360)
- **Oct 2, 2003:** By Senator Stevens from Committee on Appropriations filed written report. Report No. 108-160.
- **Oct 2, 2003:** By Senator Stevens from Committee on Appropriations filed written report. Report No. 108-160.
- **Oct 1, 2003:** Measure laid before Senate. (consideration: CR S12220-12270)
- **Sep 30, 2003:** Introduced in Senate
- **Sep 30, 2003:** Committee on Appropriations. Original measure reported to Senate by Senator Stevens. Without written report.
- **Sep 30, 2003:** Committee on Appropriations. Original measure reported to Senate by Senator Stevens. Without written report.
- **Sep 30, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 296.