

## HR 1268

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005

**Congress:** 109 (2005–2007, Ended)

**Chamber:** House

**Policy Area:** Economics and Public Finance

**Introduced:** Mar 11, 2005

**Current Status:** Became Public Law No: 109-13.

**Latest Action:** Became Public Law No: 109-13. (May 11, 2005)

**Law:** 109-13 (Enacted May 11, 2005)

**Official Text:** <https://www.congress.gov/bill/109th-congress/house-bill/1268>

### Sponsor

**Name:** Rep. Lewis, Jerry [R-CA-41]

**Party:** Republican • **State:** CA • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Reported Original Measure	Mar 11, 2005
Appropriations Committee	Senate	Reported By	Apr 6, 2005

### Subjects & Policy Tags

*No subjects or policy tags are listed for this bill.*

### Related Bills

Bill	Relationship	Last Action
<a href="#">109 SCONRES 31</a>	Related bill	<b>May 11, 2005:</b> Motion to reconsider laid on the table Agreed to without objection.
<a href="#">109 HRES 258</a>	Procedurally related	<b>May 5, 2005:</b> Motion to reconsider laid on the table Agreed to without objection.
<a href="#">109 HRES 151</a>	Procedurally related	<b>Mar 15, 2005:</b> Motion to reconsider laid on the table Agreed to without objection.
<a href="#">109 HR 418</a>	Related bill	<b>Feb 17, 2005:</b> Read twice and referred to the Committee on the Judiciary.

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 - **Division A: Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 - Title I: Defense-Related Appropriations** - Makes emergency supplemental appropriations for FY 2005 for the Department of Defense (DOD) for: (1) military personnel; (2) operation and maintenance (O&M); (3) the Afghanistan Security Forces Fund; (4) the Iraq Security Forces Fund; (5) procurement; (6) research, development, test and evaluation; (7) Defense Working Capital Funds and the National Defense Sealift Fund; (8) the Intelligence Community Management Account; (9) drug interdiction and counter-drug activities related to Afghanistan and the Central Asia area; (10) the Office of the Inspector General; (11) the Defense Health Program; and (12) military construction for the Army, Navy and Marine Corps, and Air Force.

(Sec. 1001) Authorizes the Secretary of Defense (Secretary), in the national interest, to transfer between appropriations up to \$3 billion of the funds made available to DOD in this Chapter, except for military construction funding. Requires congressional notification of each transfer.

(Sec. 1002) Amends the Department of Defense Appropriations Act, 2005 to increase from \$3.5 billion to \$6.185 billion the amount of DOD working capital funds authorized to be transferred by the Secretary for DOD military functions.

(Sec. 1003) Authorizes the use of specified DOD funds for support for counter-drug activities of the Governments of Afghanistan and Pakistan.

(Sec. 1006) Increases the amounts authorized for certain DOD activities under the Department of Defense Appropriations Act, 2005 and the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

(Sec. 1008) Authorizes the head of an executive agency to waive during FY 2005 the limitation on compensation (\$200,000) of civilian employees who perform work overseas in an area of responsibility of the Commander, U.S. Central Command, in support of, or related to: (1) a military operation, including a contingency operation; or (2) an operation in response to a declared emergency.

(Sec. 1009) Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to extend through FY 2006 the authority to create new positions within the Office of the Director of National Intelligence.

(Sec. 1010) Extends through December 31, 2005 (currently FY 2005) the authority of the Secretary to provide certain support for the performance of duties by a liaison officer of another nation involved in a coalition with the United States.

(Sec. 1011) Limits to \$10,000 during FY 2005 the maximum bonus authorized in connection with a reserve affiliation agreement.

(Sec. 1012) Increases the: (1) maximum benefit under the Servicemen's Group Life Insurance program from \$250,000 to \$400,000 (or lesser amounts as a member may elect, in increments of \$50,000); and (2) military death gratuity from \$12,000 to \$100,000. Provides a special death gratuity of up to \$150,000 with respect to service designated by the Secretary as a combat operation or a zone of combat. Terminates such increases at the end of FY 2005. Provides an additional death gratuity of \$238,000 for deaths that occur before the enactment of this Act in combat operations, in a combat zone, or in Operations Enduring Freedom or Iraqi Freedom. Terminates the additional death gratuity at the end of FY 2005.

(Sec. 1016) Makes funds appropriated for chemical weapons demilitarization under certain prior Acts available to the Program Manager for Assembled Chemical Weapons for activities at the Blue Grass Army Depot, Kentucky, and the Pueblo Chemical Depot, Colorado.

(Sec. 1018) Directs the Secretary to make transfers of funds among specified naval accounts.

(Sec. 1019) Prohibits funds made available under this or any other Act from being obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(Sec. 1022) Extends from 180 to 365 days following the death of a member who dies while serving on active duty the period for the temporary continuation of the basic allowance for housing for dependents of such members. Terminates such extension at the end of FY 2005.

(Sec. 1023) Prohibits a member entitled to basic allowance for subsistence who is undergoing medical recuperation or therapy or is otherwise in a status of continuous care (including outpatient care) at a military treatment facility for an injury, illness, or disease incurred or aggravated during active duty in Operations Iraqi Freedom or Enduring Freedom from being charged for meals provided by the military treatment facility.

(Sec. 1024) Expresses the sense of the Senate that: (1) any request for funds for a fiscal year after 2006 for an ongoing military operation overseas, including those in Afghanistan and Iraq, should be included in the annual budget of the President submitted to Congress; (2) the President should submit to Congress an amendment to the 2006 budget setting forth detailed cost estimates for such operations; and (3) any funds for such purposes should be provided in appropriations Acts through appropriations to specific accounts. Requires additional information concerning such operations, including Operations Enduring Freedom and Iraqi Freedom, to be included in reports required under both the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 and the Department of Defense Appropriations Act, 2005.

(Sec. 1025) Prohibits the obligation or expenditure of funds from this Act to reduce below 12 the number of active Navy aircraft carriers until after the submission of the quadrennial defense review required in 2005. Prohibits Navy funds from being obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of the U.S. Navy forces assigned to the Pacific fleet.

(Sec. 1026) Amends Federal military pay and allowances provisions to provide reimbursement for travel for the family of members of the Armed Forces hospitalized in the United States in connection with certain non-serious illnesses or injuries incurred in a combat operation or combat zone. Provides reimbursement funding from specified military accounts. Requires the Secretary to report to the defense committees if such expenses exceed \$20 million in a fiscal year. Terminates such reimbursement allowance at the end of FY 2005.

(Sec. 1027) Prohibits the obligation or expenditure of funds from this Act to terminate the current joint service multiyear procurement contract for C/KC-130J aircraft.

(Sec. 1028) Prohibits funds in this or prior Acts from being used to revoke Purple Heart commendations awarded to members who have served in Operations Iraqi Freedom or Enduring Freedom (with exceptions on a case-by-case basis).

(Sec. 1029) Directs the Secretary to make a specified transfer of funds. Requires funds so transferred to be used for the Virtual Training Cockpit Optimization Program.

(Sec. 1030) Requires specified transfers of funds, to be used for force protection programs.

(Sec. 1031) Prohibits any funds appropriated by this Act from being obligated or expended to subject any person in the custody or under physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(Sec. 1032) Amends Federal veterans' benefits provisions to require that a member insured under the Servicemembers' Group Life Insurance (SGLI) program be automatically issued a traumatic injury protection rider that will provide a payment of up to \$100,000 if the member, while so insured, sustains a traumatic injury that results in: (1) a loss of sight, limbs, speech, or hearing; (2) certain burns; or (3) a coma or the inability to carry out certain daily living activities. Requires the payment, while a member is serving on active or reserve duty, of premiums for such additional coverage. Terminates such coverage upon separation from the Armed Forces.

(Sec. 1033) Rescinds \$50 million of the funds appropriated for the Iraq Freedom Fund under the Department of Defense Appropriations Act, 2005.

(Sec. 1034) Earmarks specified funds made available under the above Act for the Paralyzed Veterans of America (PVA) Outdoor Sports Heritage Fund.

(Sec. 1035) Appropriates funds for defense-wide research, development, test and evaluation.

(Sec. 1036) Directs the Secretary, in order to assist communities with preparations for the results of the 2005 round of defense base closures and realignments, to report to the congressional defense committees on Federal procedures and policies for the disposal of property at military installations proposed to be closed or realigned as part of the 2005 round, and on the assistance available to affected local communities for reuse and redevelopment.

(Sec. 1037) Releases to the State of Arkansas the U.S. reversionary interest at Camp Joseph T. Robinson, Arkansas.

**Title II: International Programs and Assistance for Reconstruction and the War on Terror - Chapter 1: Department of Agriculture** - Makes emergency supplemental appropriations for P.L. 480 title II grants (emergency and non-emergency food assistance).

**Chapter 2: Department of State and Related Agency** - Makes emergency supplemental appropriations for: (1) diplomatic and consular programs; (2) embassy security, construction, and maintenance; (3) international peacekeeping activities; (4) international broadcasting operations; and (5) broadcasting capital improvements.

Makes emergency supplemental appropriations for: (1) international disaster and famine assistance; (2) the U.S. Agency for International Development (USAID); (3) the Economic Support Fund; (4) assistance for the independent states of the former Soviet Union; (5) international narcotics control and law enforcement; (6) migration and refugee assistance; (7) nonproliferation, anti-terrorism, demining and related programs; (8) the Foreign Military Financing Program; and (9) peacekeeping operations.

(Sec. 2102) Rescinds the unexpended balance of any funds made available to Turkey under the Economic Support Fund.

(Sec. 2103) Directs the Comptroller General (CG) to audit and investigate the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in FY 2005 under the Economic Support Fund.

(Sec. 2104) Requires the Secretary of State to report to the appropriations committees on the proposed uses of all funds authorized under this Chapter, on a case-by-case basis. Prohibits more than 15 percent of the funds authorized for a purpose from being obligated before the report is submitted.

(Sec. 2105) Directs the CG to audit the use of all funds for the bilateral Afghanistan counternarcotics and alternative livelihood programs in FY 2005 under the Economic Support Fund.

(Sec. 2106) Directs the President to report to Congress with respect to Palestinian security services, including specific steps taken by the Palestinian Authority to dismantle its terrorist infrastructure.

(Sec. 2108) Earmarks specified funds from the Iraq Relief and Reconstruction Fund for assistance for families and communities of Iraqi civilians who have suffered losses as a result of military operations (such assistance shall be designated as the "Marla Ruzicka Iraqi War Victims Fund").

(Sec. 2110) Prohibits the obligation of specified funds for foreign operations, export financing, and related programs to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance from sexual exploitation and abuse in humanitarian relief operations. Requires the code of conduct, to the maximum extent practicable, to be consistent with the six core principles of the United Nations (UN) Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. Requires a report from the President to the appropriate congressional committees on implementation of this section.

(Sec. 2111) States that funds provided in this Act for the Economic Support Fund and assistance for the independent states of the former Soviet Union shall be made available for programs and countries in the amounts contained in the joint explanatory statement of managers accompanying this Act.

**Title III: Domestic Appropriations for the War on Terror - Chapter 1: Department of Energy** - Makes emergency supplemental appropriations for defense nuclear nonproliferation.

**Chapter 2: Department of Homeland Security** - Makes emergency supplemental appropriations for: (1) immigration and customs enforcement; (2) the U.S. Coast Guard; (3) customs and border protection; and (4) the Federal Law Enforcement Training Center.

**Chapter 3: Department of Justice** - Makes emergency supplemental appropriations for the Department of Justice (DOJ) for: (1) the Federal Detention Trustee; and (2) salaries and expenses of the U.S. Marshals Service, Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and Bureau of Alcohol, Tobacco, Firearms and Explosives.

Rescinds specified funds from the Asset Forfeiture Fund.

**Chapter 4: Legislative Branch** - Makes emergency supplemental appropriations for: (1) payment to the widow of Robert T. Matsui, late Representative from the State of California; and (2) salaries and expenses of the House of Representatives.

(Sec. 3401) Amends the Legislative Branch Appropriations Act, 2005 to require that fees collected for the use of exercise facilities of the House of Representatives be deposited into the House Services Revolving Fund.

Makes emergency supplemental appropriations for the Capitol Police, Architect of the Capitol, and Capitol Police buildings and grounds.

**Title IV: Indian Ocean Tsunami Relief - Chapter 1: Funds Appropriated to the President** - Makes emergency supplemental appropriations for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, and the Avian influenza virus.

(Sec. 4102) Directs the Secretary of State to report to the appropriations committees, prior to the initial obligation of any funds provided under this Chapter, on the proposed use of such funds, on a case-by-case basis.

(Sec. 4104) Earmarks funds authorized under this Chapter for the prevention and control of the Avian influenza virus.

**Chapter 2: Department of Defense - Military** - Makes emergency supplemental appropriations to DOD for: (1) O&M; (2) overseas humanitarian, disaster, and civic aid; and (3) the Defense Health Program.

**Chapter 3: Department of Homeland Security** - Makes emergency supplemental appropriations for operating expenses of the U.S. Coast Guard.

**Chapter 4: Department of the Interior** - Makes emergency supplemental appropriations for geological surveys, investigations, and research.

**Chapter 5: Department of Commerce** - Makes emergency supplemental appropriations for the National Oceanic and Atmospheric Administration (NOAA).

**Title V: Other Emergency Appropriations - Chapter 1: Department of Agriculture** - Makes emergency supplemental appropriations to the Department of Agriculture for the emergency watershed protection program.

(Sec. 5101) Authorizes the Secretary of Agriculture to transfer Rural Housing Service funds for rental assistance programs in North Carolina.

(Sec. 5102) Requires the Village of New Miami (Ohio) to be considered eligible for loans and grants under the Rural Housing Assistance Grants program.

**Chapter 2: Department of the Interior** - Makes emergency supplemental appropriations for the Department of the Interior for: (1) departmental management; and (2) Forest Service capital improvement and maintenance.

**Chapter 3: Department of Health and Human Services** - Makes emergency supplemental appropriations for the Public Health and Social Services Emergency Fund.

**Chapter 4: Department of Housing and Urban Development** - Makes certain prior-year funds available for housing for persons with disabilities.

Makes emergency supplemental appropriations for the Office of Federal Housing Enterprise Oversight.

**Title VI: General Provisions and Technical Corrections** - (Sec. 6003) Prohibits funds provided in this or any other Act from being used to deny the provision of assistance under the Consolidated Farm and Rural Development Act solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified under such Act.

(Sec. 6006) Amends various Acts and public laws to modify, increase, or extend specified water resources development projects.

(Sec. 6011) Directs the Secretary of the Army to complete, at full Federal expense, the Indiana Harbor and Canal, Confined Disposal Facility, Indiana, currently under construction.

(Sec. 6014) Authorizes the Secretary of the Interior to perform analyses and studies with respect to establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley.

(Sec. 6015) Extends through FY 2005 the Water Desalination Act of 1996.

(Sec. 6016) Revises or adds additional requirements, as originally outlined for the Department of Energy (DOE) under the Consolidated Appropriations Act, 2005, with respect to: (1) energy supply and programs; (2) fossil energy; (3) weapons activities; (4) defense environmental services; and (5) nuclear waste disposal. Transfers defense site acceleration completion funding to weapons activities funding.

(Sec. 6022) Directs DOE and the Small Business Administration (SBA) to enter into a memorandum of understanding measuring DOE achievement with respect to awarding prime contracts and subcontracts to small businesses. Requires: (1) a study of possible changes to encourage new opportunities for small businesses as prime contractors; and (2) a joint report to specified congressional committees.

(Sec. 6025) Requires the Department of Homeland Security to provide an annual appropriations justification for the Department of Homeland Security Working Capital Fund.

(Sec. 6027) Rescinds specified funds appropriated to the Department of Homeland Security in prior Acts.

(Sec. 6032) Authorizes the National Park Service (NPS) to expend appropriated funds for the construction, operation, and maintenance of an expansion to the West Yellowstone Visitors Information Center.

(Sec. 6033) Prohibits funds from this or any other appropriations Act from being used by the Environmental Protection Agency (EPA) or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

(Sec. 6034) Directs the Secretary of the Interior to allow the State of Mississippi to take certain actions with respect to the exploration, development, and production of oil drilling on sites outside the boundaries of Gulf Islands National Seashore which result in the drill hole crossing into land under the Seashore.

(Sec. 6036) Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005 - Expresses the policy of Congress that it is in the public interest for each State to continue regulating the taking for any purpose of fish and wildlife. Prohibits congressional silence from being construed as imposing a barrier under Section 8 of Article I of the Constitution (commonly referred to as the commerce clause) to such regulation by a State or Indian tribe.

(Sec. 6040) Repeals a provision of the Consolidated Appropriations Act, 2005 which limits the authority of the Department of Labor to transfer discretionary funds.

(Sec. 6045) Amends the title XVIII (Medicare) of the Social Security Act to include certain outpatient care facilities within the Health Care Infrastructure Improvement Program.

(Sec. 6048) Allows certain funds appropriated to the Library of Congress (LOC) under the Consolidated Appropriations Act, 2005 to be used for the Copyright Royalty Judges program.

(Sec. 6059) Directs the Secretary of Commerce to convene a national conference on science, technology, trade, and manufacturing.

(Sec. 6064) Allows certain overflight fees to be made available to meet costs of the essential air service program of the Department of Transportation (DOT).

(Sec. 6076) Prohibits funds from this or any other Act from being used by an executive agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification that it was prepared or funded by that agency.

(Sec. 6077) Revises local budget authority for the District of Columbia (DC) under the District of Columbia Appropriations Act, 2005 in anticipation of financing for a major league baseball stadium.

(Sec. 6081) Amends the Veterans Health Programs Improvement Act of 2004 to include outpatient clinics within the implementation of mission changes at Veterans Health Administration facilities.

**Division B: REAL ID Act of 2005 - REAL ID Act of 2005 - Title I: Amendments to Federal Laws to Protect Against**

**Terrorist Entry** - (Sec. 101) Amends Immigration and Nationality Act (INA) provisions concerning asylum to: (1) authorize the Secretary of Homeland Security, in addition to the Attorney General, to grant asylum (retroactive to March 1, 2003); (2) require asylum applicants to prove that race, religion, nationality, membership in a particular social group, or political opinion was or will be (if removed) at least one central reason for their persecution; and (3) provide that an applicant's testimony may be sufficient to sustain this burden of proof only if the trier of fact determines that it is credible, persuasive, and fact-specific. Requires corroborating evidence where requested by the trier of fact unless the applicant does not have the evidence and cannot reasonably obtain it.

Authorizes a trier of fact, considering the totality of the circumstances and all relevant factors, to base credibility determinations in asylum cases on the: (1) demeanor, candor, or responsiveness of the applicant or witness; (2) inherent plausibility of the applicant's or witness' account; (3) consistency between the applicant's or witness' written and oral statements; (4) internal consistency of each such statement; (5) consistency of such statements with other evidence of record (including the Department of State's reports on country conditions); and (6) any inaccuracies or falsehoods in such statements regardless of whether they go to the heart of the applicant's claim. States that there is no presumption of credibility but that, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.

Makes this Act's provisions regarding proof requirements and credibility determinations in asylum proceedings applicable to other requests for relief from removal.

Limits judicial review of determinations regarding the availability of corroborating evidence.

Removes the numerical limit on the number of aliens granted asylum who may become lawful permanent residents in any fiscal year (currently set at 10,000). Strikes a provision setting refugee admission numbers for persons subject to persecution for their resistance to coercive population control methods.

Repeals provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) requiring a study and report on terrorists in the asylum system.

(Sec. 102) Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to authorize the Secretary of Homeland Security (the Secretary), in the Secretary's sole discretion, to waive all legal requirements as necessary to ensure expeditious construction of certain barriers and roads at the U.S. border. Makes the Secretary's decision effective upon publication in the Federal Register. Gives U.S. district courts exclusive jurisdiction to hear causes



or claims arising from actions or decisions by the Secretary pursuant to this section. Limits such causes or claims to those alleging a violation of the Constitution. Authorizes appellate review only upon petition for a writ of certiorari to the Supreme Court.

(Sec. 103) Expands the grounds of inadmissibility and deportability due to terrorist or terrorist-related activity to include aliens who: (1) are representatives of terrorist organizations or political, social, or other groups that endorse or espouse terrorist activity; (2) are members of designated terrorist organizations; (3) are members of organizations that engage in specified acts of terrorism; (4) endorse or espouse terrorist activity or persuade others to do so; or (5) have received military-type training from or on behalf of any organization that at the time was a terrorist organization.

Expands the definition of "terrorist organization" to incorporate a broader range of underlying activities.

Makes this section applicable to removal proceedings instituted, and grounds of inadmissibility occurring, before, on, or after the enactment of this Act.

(Sec. 104) Authorizes the Secretary of State or the Secretary to conclude in such Secretary's sole unreviewable discretion that specified terrorism-related grounds of inadmissibility shall not apply to an alien, including those grounds applicable to: (1) representatives of groups whose public endorsement of terrorist activities the Secretary of State has determined undermines U.S. efforts to reduce or eliminate terrorist activities; (2) spouses or children of aliens inadmissible on terrorist grounds for activities occurring within the last five years; (3) aliens providing material support to organizations or individuals that have engaged in terrorist activity; or (4) groups that fall within the definition of "terrorist organization" simply by virtue of having a subgroup consisting of two or more individuals that engages in specified terrorist activity or related planning. Prohibits the Secretary of State from exercising such discretion after removal proceedings have been instituted.

Requires the Secretary and the Secretary of State to provide annual reports on application of this section to the House Judiciary, International Relations, and Homeland Security Committees and the Senate Judiciary and Foreign Relations Committees, and to provide such reports within one week of applying this section to a group.

(Sec. 105) Expands the grounds of deportability due to terrorist activity to include aliens who would be inadmissible on terrorism-related grounds.

Makes this section applicable to: (1) removal proceedings instituted before, on, or after the date of enactment of this Act; and (2) grounds of inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

Repeals overlapping deportation provisions of the IRTPA.

(Sec. 106) Bars inadmissible arriving aliens from seeking judicial review of removal orders through habeas corpus, mandamus, or other extraordinary petitions.

Imposes a similar bar on denials of discretionary relief and orders against criminal aliens, with an exception for petitions for review concerning constitutional claims or questions of law.

Establishes the INA's judicial review provisions as the sole avenue for reviewing claims arising under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment and for challenging removal orders.

Requires petitions for review filed under pre-IIIRIRA law to be treated as if filed under the INA as amended by this section. States that such petitions shall be the sole and exclusive means for judicial review of orders of deportation or exclusion.

**Title II: Improved Security for Driver's Licenses and Personal Identification Cards** - (Sec. 202) Prohibits Federal agencies from accepting State issued driver's licenses or identification cards unless such documents are determined by the Secretary to meet minimum security requirements, including the incorporation of specified data, a common machine-readable technology, and certain anti-fraud security features.

Sets forth minimum issuance standards for such documents that require: (1) verification of presented information; (2) evidence that the applicant is lawfully present in the United States; (3) issuance of temporary driver's licenses or identification cards to persons temporarily present that are valid only for their period of authorized stay (or for one year where the period of stay is indefinite); (4) a clear indication that such documents may not be accepted for Federal purposes where minimum issuance standards are not met; and (5) electronic access by all other States to the issuing State's motor vehicle database.

(Sec. 203) Amends the Federal criminal code to prohibit trafficking in actual as well as false authentication features for use in false identification documents, document-making implements, or means of identification. Requires the Secretary to enter into the appropriate aviation security screening database information regarding persons convicted of using false driver's licenses at airports.

(Sec. 204) Authorizes the Secretary to make grants to assist States in conforming to the minimum standards set forth in this title.

(Sec. 205) Gives the Secretary all authority to issue regulations, set standards, and issue grants under this title. Authorizes the Secretary to grant States an extension of time to meet the minimum document requirements and issuance standards of this title, with adequate justification.

(Sec. 206) Repeals overlapping document provisions of the IRTPA.

(Sec. 207) States that nothing in this title shall be construed to affect the authorities and responsibilities of the Secretary of Transportation or the States under existing laws governing the establishment of a National Driver Register.

**Title III: Border Infrastructure and Technology Integration** - (Sec. 301) Directs the Under Secretary of Homeland Security for Border and Transportation Security to study the technology, equipment, and personnel needed to address security vulnerabilities within the United States for each Customs and Border Protection field office that has responsibility for U.S. borders with Canada and Mexico.

(Sec. 302) Directs the Under Secretary of Homeland Security for Science and Technology to develop and report to specified congressional committees on a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance U.S. border security. Requires pilot program technologies to include video camera, sensor, and motion detection technologies.

(Sec. 303) Requires the Secretary, acting through the Under Secretary for Border and Transportation Security, to develop and implement a plan to: (1) improve communications systems of Federal agencies to facilitate integrated communications among such agencies, State and local government agencies, and Indian tribes on border security matters; and (2) enhance related information sharing among such entities.

**Title IV: Temporary Workers** - Save Our Small and Seasonal Businesses Act of 2005 - (Sec. 402) Amends the INA to

prohibit an alien counted toward the numerical limitation applicable to H-2B nonimmigrants (temporary nonagricultural workers) during any one of the three fiscal years prior to the fiscal year of the approved start date of an H-2B petition from being counted toward the limitation in the fiscal year of petition approval. States that such aliens shall be considered returning workers. Sets forth requirements for returning worker petitions. Prohibits approval of an H-2B visa or a grant of nonimmigrant status for a returning worker absent confirmation of the alien's status as a returning worker by the Department of State or, if the alien is visa exempt or seeking to change status under H-2B provisions, by DHS. Makes this section effective as if enacted on October 1, 2004. Provides for its expiration on October 1, 2006.

(Sec. 403) Requires the Secretary to impose a fraud prevention and detection fee on employers filing H-2B petitions. Mandates the deposit of such fees into the Fraud Prevention and Detection Account.

(Sec. 404) Authorizes additional penalties for a substantial failure to meet any condition of an H-2B petition or the willful misrepresentation of a material fact in such a petition.

(Sec. 405) Requires the allocation of the numerical limitation on the issuance of H-2B visas or H-2B nonimmigrant status (currently, 66,000) such that the total number of H-2B nonimmigrants entering the United States during the first six months of a fiscal year is not more than 33,000.

(Sec. 406) Directs the Secretary and the Secretary of State to provide the House and Senate Judiciary Committees with information on: (1) the numbers of aliens granted H-2B status or terminated from H-2B status, on a semiannual basis; and (2) the countries of origin, occupations of, and compensation paid to aliens granted H-2B status, the number of aliens terminated from such status, and the number of aliens provided such status during both the fiscal year reported and the preceding fiscal year, on an annual basis. Requires the Secretary of State to provide information relevant to such reports upon request by the Secretary.

(Sec. 407) Makes rulemaking provisions of the Administrative Procedure Act inapplicable to specified provisions of this Title to the extent that the Secretary, the Secretary of Labor, or the Secretary of State determines that compliance with that Act would impede expeditious implementation.

**Title V: Other Changes to Provisions Governing Nonimmigrant and Immigrant Visas** - (Sec. 501) Provides E nonimmigrant status for nationals of Australia, with respect to whom the employer has filed labor attestations, who are entering the United States solely to perform services in a specialty occupation. Limits approvals of such applications to 10,500 per fiscal year.

(Sec. 502) Amends the American Competitiveness in the Twenty-first Century Act of 2000 to modify the formula for recapturing unused employment-based immigrant visas for certain medical professionals.

## Actions Timeline

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- **May 11, 2005:** Pursuant to the provisions of S. Con. Res. 31, enrollment corrections on H.R. 1268 have been made.
- **May 11, 2005:** Presented to President.
- **May 11, 2005:** Presented to President.
- **May 11, 2005:** Signed by President.
- **May 11, 2005:** Signed by President.
- **May 11, 2005:** Became Public Law No: 109-13.
- **May 11, 2005:** Became Public Law No: 109-13.
- **May 10, 2005:** Conference report considered in Senate. (consideration: CR S4806-4849)
- **May 10, 2005:** Conference report agreed to in Senate: Senate agreed to conference report by Yea-Nay Vote. 100 - 0. Record Vote Number: 117.
- **May 10, 2005:** Senate agreed to conference report by Yea-Nay Vote. 100 - 0. Record Vote Number: 117.
- **May 10, 2005:** Message on Senate action sent to the House.
- **May 10, 2005:** Cleared for White House.
- **May 9, 2005:** Conference papers: Senate report and manager's statement and message on House action held at the desk in Senate.
- **May 5, 2005:** Rule H. Res. 258 passed House.
- **May 5, 2005:** Mr. Lewis (CA) brought up conference report H. Rept. 109-72 for consideration under the provisions of H. Res. 258. (consideration: CR H2997-3027)
- **May 5, 2005:** DEBATE - The House proceeded with one hour of debate on the conference report to accompany H.R. 1268.
- **May 5, 2005:** The previous question was ordered without objection. (consideration: CR H3026)
- **May 5, 2005:** Mr. Obey moved to recommit with instructions to the conference committee. (consideration: CR H2997)
- **May 5, 2005:** The previous question on the motion to recommit with instructions to conference committee was ordered without objection. (consideration: CR H3026)
- **May 5, 2005:** On motion to recommit with instructions to conference committee Failed by the Yeas and Nays: 201 - 225 (Roll no. 160). (consideration: CR H3026-3027)
- **May 5, 2005:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 368 - 58, 1 Present (Roll no. 161).
- **May 5, 2005:** Motions to reconsider laid on the table Agreed to without objection.
- **May 5, 2005:** On agreeing to the conference report Agreed to by the Yeas and Nays: 368 - 58, 1 Present (Roll no. 161).
- **May 4, 2005:** Rules Committee Resolution H. Res. 258 Reported to House. Rule provides for consideration of the conference report to H.R. 1268 with 1 hour of general debate.
- **May 3, 2005:** Conference committee actions: Conferees agreed to file conference report.
- **May 3, 2005:** Conferees agreed to file conference report.
- **May 3, 2005:** Mr. Lewis (CA) asked unanimous consent that managers on the part of the House have until midnight on May 3 to file a conference report on H.R. 1268. Agreed to without objection.
- **May 3, 2005:** Conference report filed: Conference report H. Rept. 109-72 filed.(text of conference report: CR H2813-2877)
- **May 3, 2005:** Conference report H. Rept. 109-72 filed. (text of conference report: CR H2813-2877)
- **Apr 28, 2005:** Conference committee actions: Conference held.
- **Apr 28, 2005:** Conference held.
- **Apr 27, 2005:** Conference committee actions: Conference held.
- **Apr 27, 2005:** Conference held.
- **Apr 26, 2005:** Mr. Lewis (CA) asked unanimous consent that the House disagree to the Senate amendments, and agree to a conference (consideration: CR H2506-2509, H2518-2519)
- **Apr 26, 2005:** On motion that the House disagree to the Senate amendments, and agree to a conference Agreed to without objection.
- **Apr 26, 2005:** Mr. Obey moved that the House instruct conferees. (consideration: CR H2506-2509, H2518-2519; text: CR H2507)
- **Apr 26, 2005:** DEBATE - The House proceeded with one hour of debate on the Obey Motion to Instruct Conferees. The instructions contained in the motion seek to require the managers on the part of the House to insist on the highest

levels of funding within the scope of conference for Customs and Border Protection, Federal Law Enforcement Training Center, and Immigration and Customs Enforcement and to agree to the Senate provision regarding including requests for future funding military operations in Afghanistan and Iraq in the annual budget of the President.

- **Apr 26, 2005:** The previous question was ordered without objection.
- **Apr 26, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Obey motion to instruct conferees the Chair put the question on agreeing to the motion and by voice vote announced that the ayes had prevailed. Mr. Obey objected to the voice vote on the grounds that a quorum was not present. Subsequently the Chair postponed further proceedings on the Obey motion to instruct until later in the legislative day and the point of no quorum was considered withdrawn.
- **Apr 26, 2005:** On motion that the House instruct conferees Agreed to by the Yeas and Nays: 417 - 4 (Roll no. 133).
- **Apr 26, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 26, 2005:** The Speaker appointed conferees: Lewis (CA), Young (FL), Regula, Rogers (KY), Wolf, Kolbe, Walsh, Taylor (NC), Hobson, Bonilla, Knollenberg, Obey, Murtha, Dicks, Sabo, Mollohan, Visclosky, Lowey, and Edwards.
- **Apr 25, 2005:** Message on Senate action sent to the House.
- **Apr 25, 2005:** Senate ordered measure printed as passed.
- **Apr 21, 2005:** Considered by Senate. (consideration: CR S4079-4094)
- **Apr 21, 2005:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Yea-Nay Vote. 99 - 0. Record Vote Number: 109.(text: CR 4/25/2005 S4195-4214)
- **Apr 21, 2005:** Passed Senate with an amendment and an amendment to the Title by Yea-Nay Vote. 99 - 0. Record Vote Number: 109. (text: CR 4/25/2005 S4195-4214)
- **Apr 21, 2005:** Senate insists on its amendments, asks for a conference, appoints conferees Cochran; Stevens; Specter; Domenici; Bond; McConnell; Burns; Shelby; Gregg; Bennett; Craig; Hutchison; DeWine; Brownback; Allard; Byrd; Inouye; Leahy; Harkin; Mikulski; Reid; Kohl; Murray; Dorgan; Feinstein; Durbin; Johnson; Landrieu.
- **Apr 20, 2005:** Considered by Senate. (consideration: CR S3965-4007)
- **Apr 19, 2005:** Considered by Senate. (consideration: CR S3865-3892)
- **Apr 19, 2005:** Cloture invoked in Senate by Yea-Nay Vote. 100 - 0. Record Vote Number: 103.
- **Apr 18, 2005:** Considered by Senate. (consideration: CR S3775-3812)
- **Apr 15, 2005:** Considered by Senate. (consideration: CR S3718-3730, S3761)
- **Apr 15, 2005:** Cloture motion on the bill presented in Senate. (consideration: CR S3719; text: CR S3719)
- **Apr 14, 2005:** Considered by Senate. (consideration: CR S3616-3645)
- **Apr 13, 2005:** Considered by Senate. (consideration: CR S3513-3548)
- **Apr 12, 2005:** Considered by Senate. (consideration: CR S3449-3473)
- **Apr 11, 2005:** Measure laid before Senate by unanimous consent. (consideration: CR S3368-3398; text of measure as reported in Senate: CR S3368-3393)
- **Apr 11, 2005:** The committee substitute agreed to by Unanimous Consent.
- **Apr 6, 2005:** Committee on Appropriations. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 6, 2005:** Committee on Appropriations. Reported by Senator Cochran with an amendment in the nature of a substitute and an amendment to the title. With written report No. 109-52.
- **Apr 6, 2005:** Committee on Appropriations. Reported by Senator Cochran with an amendment in the nature of a substitute and an amendment to the title. With written report No. 109-52.
- **Apr 6, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 67.
- **Mar 16, 2005:** Considered as unfinished business. (consideration: CR H1514-1526)
- **Mar 16, 2005:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Mar 16, 2005:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with ten minutes of debate on the Obey amendment, pending reservation of a point of order.
- **Mar 16, 2005:** RESERVATION OF POINT OF ORDER WITHDRAWN - Subsequently, the reservation of a point of order against the Obey amendment was withdrawn.
- **Mar 16, 2005:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with ten minutes of debate on the Filner amendment, pending reservation of a point of order.
- **Mar 16, 2005:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with ten minutes of debate on the Velazquez amendment.

**Mar 16, 2005:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of the Markey amendment which had been debated on Tuesday, March 15 2005 and on which further proceedings had been postponed.

- **Mar 16, 2005:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1268.
- **Mar 16, 2005:** The previous question was ordered pursuant to the rule. (consideration: CR H1524)
- **Mar 16, 2005:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Mar 16, 2005:** Ms. Hooley moved to recommit with instructions to Appropriations. (consideration: CR H1524-1525; text: CR H1524)
- **Mar 16, 2005:** Floor summary: DEBATE - The House proceeded with ten minutes of debate on the Hooley motion to recommit with instructions.
- **Mar 16, 2005:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H1524)
- **Mar 16, 2005:** On motion to recommit with instructions Failed by recorded vote: 200 - 229 (Roll no. 76).
- **Mar 16, 2005:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 388 - 43 (Roll no. 77).
- **Mar 16, 2005:** On passage Passed by the Yeas and Nays: 388 - 43 (Roll no. 77).
- **Mar 16, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 16, 2005:** APPENDING NEW TEXT - Pursuant to the provisions of H. Res. 151, the Clerk was directed to append the text of H.R. 418, as passed by the House, to H.R. 1268 as new matter at the end of the bill.
- **Mar 16, 2005:** Received in the Senate and Read twice and referred to the Committee on Appropriations.
- **Mar 15, 2005:** Rule H. Res. 151 passed House.
- **Mar 15, 2005:** Considered under the provisions of rule H. Res. 151. (consideration: CR H1436-1490, H1490-1500; text of Title I as reported in House: CR H1452, H1460-1463; text of Title II as reported in House: CR H1467, H1471-1472; text of Title III as reported in House: CR H1472, H1473; text of Title IV as reported in House: CR H1473-1474; text of Title V as reported in House: CR H1474-1476; text of Title VI as reported in House: CR H1479)
- **Mar 15, 2005:** Rule provides for consideration of H.R. 1268 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Bill is open to amendments.
- **Mar 15, 2005:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 151 and Rule XVIII.
- **Mar 15, 2005:** The Speaker designated the Honorable Mac Thornberry to act as Chairman of the Committee.
- **Mar 15, 2005:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1268.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Tierney amendment under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Tierney amendment under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** RESERVATION OF POINT OF ORDER WITHDRAWN - Subsequently, the reservation of a point of order against the Tierney amendment was withdrawn and debate continued under the five-minute rule.
- **Mar 15, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Tierney amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Tierney demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Woolsey amendment under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Moran (VA) amendment under the five-minute rule.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Jackson (IL) amendments en bloc under the five-minute rule.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Maloney amendment under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** RESERVATION OF POINT OF ORDER WITHDRAWN - Subsequently, the reservation of a point of order against the Maloney amendment was withdrawn and debate continued under the five-minute rule.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with

debate on the Jackson-Lee (TX) amendment under the five-minute rule, pending reservation of a point of order.

- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Garrett (NJ) amendment under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** RESERVATION OF POINT OF ORDER WITHDRAWN - Subsequently, the reservation of a point of order against the Garrett (NJ) amendment was withdrawn.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Filner amendment under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** Mr. Filner appealed the ruling of the Chair. The question was then put on sustaining the ruling of the Chair.
- **Mar 15, 2005:** On sustaining the ruling of the Chair. Agreed to by recorded vote: 224 - 200 (Roll no. 71).
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Tancredo amendment under the five-minute rule.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Reyes amendments en bloc under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** DEBATE - By unanimous consent the Committee of the Whole proceeded with twenty minutes of debate on the Upton amendment.
- **Mar 15, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Upton amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Upton demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 15, 2005:** DEBATE - By unanimous consent the Committee of the Whole proceeded with twenty minutes of debate on the Weiner amendment.
- **Mar 15, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Weiner amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Weiner demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 15, 2005:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Mar 15, 2005:** DEBATE - Pursuant to the provisions of H. Res. 151, the Committee of the Whole proceeded with debate on the Kelly amendment under the five-minute rule, pending reservation of a point of order.
- **Mar 15, 2005:** Committee of the Whole House on the state of the Union rises leaving H.R. 1268 as unfinished business.
- **Mar 15, 2005:** ORDER OF PROCEDURE - Mr. Lewis of California asked unanimous consent that during further consideration of H.R. 1268 in the Committee of the Whole pursuant to H. Res. 151, no further amendment to the bill may be offered except: 1) Pro forma amendments offered by the chairman and ranking minority members of the Committee on Appropriations or their designees; 2) amendment numbered 4 printed in the Congressional Record offered by Mr. Lantos; 3) an amendment offered by Mr. Markey regarding combat pay; 4) an amendment offered by Mr. Markey regarding torture; 5) an amendment offered by Mr. Weiner regarding the Palestinian Authority; 6) an amendment offered by Mr. Obey regarding intelligence; 7) an amendment offered by Mr. Filner regarding veterans hiring preference for reconstruction in Iraq; and 8) an amendment offered by Ms. Velazquez regarding small business. Agreed to without objection.
- **Mar 15, 2005:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Mar 15, 2005:** DEBATE - Pursuant to a previous order of the House the Committee of the Whole proceeded with twenty minutes of debate on the Lantos amendment.
- **Mar 15, 2005:** DEBATE - Pursuant to a previous order of the House the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment, pending reservation of a point of order.
- **Mar 15, 2005:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment.
- **Mar 15, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 15, 2005:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with 20 minutes of debate on the Weiner amendment.

- Mar 15, 2005:** Committee of the Whole House on the state of the Union rises leaving H.R. 1268 as unfinished business.
- **Mar 14, 2005:** Rules Committee Resolution H. Res. 151 Reported to House. Rule provides for consideration of H.R. 1268 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Bill is open to amendments.
  - **Mar 11, 2005:** Introduced in House
  - **Mar 11, 2005:** Referred to the House Committee on Appropriations.
  - **Mar 11, 2005:** The House Committee on Appropriations reported an original measure, H. Rept. 109-16, by Mr. Lewis (CA).
  - **Mar 11, 2005:** The House Committee on Appropriations reported an original measure, H. Rept. 109-16, by Mr. Lewis (CA).
  - **Mar 11, 2005:** Placed on the Union Calendar, Calendar No. 7.