

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

H.R. 2642

An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

Intended to be proposed by Mr. _____ to the
amendment of the House amendment Numbered 2 to
the amendment of the Senate to the bill H.R. 2642

Viz: In lieu of the language proposed to be inserted, insert
the following:

1 TITLE XI
2 DEFENSE MATTERS
3 CHAPTER 1
4 DEFENSE SUPPLEMENTAL APPROPRIATIONS
5 FOR FISCAL YEAR 2008
6 DEPARTMENT OF DEFENSE—MILITARY
7 MILITARY PERSONNEL
8 MILITARY PERSONNEL, ARMY
9 For an additional amount for “Military Personnel,
10 Army”, \$12,216,715,000.
11 MILITARY PERSONNEL, NAVY
12 For an additional amount for “Military Personnel,
13 Navy”, \$894,185,000.
14 MILITARY PERSONNEL, MARINE CORPS
15 For an additional amount for “Military Personnel,
16 Marine Corps”, \$1,826,688,000.
17 MILITARY PERSONNEL, AIR FORCE
18 For an additional amount for “Military Personnel,
19 Air Force”, \$1,355,544,000.
20 RESERVE PERSONNEL, ARMY
21 For an additional amount for “Reserve Personnel,
22 Army”, \$304,200,000.
23 RESERVE PERSONNEL, NAVY
24 For an additional amount for “Reserve Personnel,
25 Navy”, \$72,800,000.

1 RESERVE PERSONNEL, MARINE CORPS

2 For an additional amount for “Reserve Personnel,
3 Marine Corps”, \$16,720,000.

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force”, \$5,000,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For an additional amount for “National Guard Per-
9 sonnel, Army”, \$1,369,747,000.

10 NATIONAL GUARD PERSONNEL, AIR FORCE

11 For an additional amount for “National Guard Per-
12 sonnel, Air Force”, \$4,000,000.

13 OPERATION AND MAINTENANCE

14 OPERATION AND MAINTENANCE, ARMY

15 For an additional amount for “Operation and Main-
16 tenance, Army”, \$17,223,512,000.

17 OPERATION AND MAINTENANCE, NAVY

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Operation and Main-
20 tenance, Navy”, \$2,977,864,000: *Provided*, That up to
21 \$112,607,000 shall be transferred to the Coast Guard
22 “Operating Expenses” account.

23 OPERATION AND MAINTENANCE, MARINE CORPS

24 For an additional amount for “Operation and Main-
25 tenance, Marine Corps”, \$159,900,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force”, \$5,972,520,000.

4 OPERATION AND MAINTENANCE, DEFENSE-WIDE

5 For an additional amount for “Operation and Main-
6 tenance, Defense-Wide”, \$3,657,562,000, of which—

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

11 (2) not to exceed \$800,000,000, to remain
12 available until expended, may be used for payments
13 to reimburse key cooperating nations, for logistical,
14 military, and other support provided to United
15 States military operations, notwithstanding any
16 other provision of law: *Provided*, That these funds
17 may be used for the purpose of providing specialized
18 training and procuring supplies and specialized
19 equipment and providing such supplies and loaning
20 such equipment on a non-reimbursable basis to coali-
21 tion forces supporting United States military oper-
22 ations in Iraq and Afghanistan: *Provided further*,
23 That such payments may be made in such amounts
24 as the Secretary of Defense, with the concurrence of
25 the Secretary of State, and in consultation with the

1 Director of the Office of Management and Budget,
2 may determine, in his discretion, based on docu-
3 mentation determined by the Secretary of Defense to
4 adequately account for the support provided, and
5 such determination is final and conclusive upon the
6 accounting officers of the United States, and 15
7 days following notification to the appropriate con-
8 gressional committees: *Provided further*, That the
9 Secretary of Defense shall provide quarterly reports
10 to the congressional defense committees on the use
11 of funds provided in this paragraph: *Provided fur-*
12 *ther*, That of the amount available under this head-
13 ing for the Defense Contract Management Agency,
14 \$52,000,000 shall remain available until September
15 30, 2009.

16 OPERATION AND MAINTENANCE, ARMY RESERVE

17 For an additional amount for “Operation and Main-
18 tenance, Army Reserve”, \$164,839,000.

19 OPERATION AND MAINTENANCE, NAVY RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Navy Reserve”, \$109,876,000.

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Marine Corps Reserve”, \$70,256,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force Reserve”, \$165,994,000.

4 OPERATION AND MAINTENANCE, ARMY NATIONAL
5 GUARD

6 For an additional amount for “Operation and Main-
7 tenance, Army National Guard”, \$685,644,000.

8 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

9 For an additional amount for “Operation and Main-
10 tenance, Air National Guard”, \$287,369,000.

11 IRAQ FREEDOM FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount for “Iraq Freedom Fund”,
14 \$50,000,000, to remain available for transfer until Sep-
15 tember 30, 2009, notwithstanding any other provision of
16 law, only for the redevelopment of the Iraqi industrial sec-
17 tor by identifying, and providing assistance to, factories
18 and other industrial facilities that are best situated to re-
19 sume operations quickly and reemploy the Iraqi workforce:
20 *Provided*, That the Secretary of Defense shall, not fewer
21 than 15 days prior to making transfers from this appro-
22 priation, notify the congressional defense committees in
23 writing of the details of any such transfer.

1 AFGHANISTAN SECURITY FORCES FUND

2 For an additional amount for the “Afghanistan Secu-
3 rity Forces Fund”, \$1,400,000,000, to remain available
4 until September 30, 2009.

5 IRAQ SECURITY FORCES FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for the “Iraq Security
8 Forces Fund”, \$1,500,000,000, to remain available until
9 September 30, 2009: *Provided*, That such funds shall be
10 available to the Secretary of Defense, notwithstanding any
11 other provision of law, for the purpose of allowing the
12 Commander, Multi-National Security Transition Com-
13 mand—Iraq, or the Secretary’s designee, to provide assist-
14 ance, with the concurrence of the Secretary of State, to
15 the security forces of Iraq, including the provision of
16 equipment, supplies, services, training, facility and infra-
17 structure repair, renovation, and construction, and fund-
18 ing: *Provided further*, That none of the assistance provided
19 under this heading in the form of funds may be utilized
20 for the provision of salaries, wages, or bonuses to per-
21 sonnel of the Iraqi Security Forces: *Provided further*, That
22 the authority to provide assistance under this heading is
23 in addition to any other authority to provide assistance
24 to foreign nations: *Provided further*, That the Secretary
25 of Defense may transfer such funds to appropriations for

1 military personnel; operation and maintenance; Overseas
2 Humanitarian, Disaster, and Civic Aid; procurement; re-
3 search, development, test and evaluation; and defense
4 working capital funds to accomplish the purposes provided
5 herein: *Provided further*, That this transfer authority is
6 in addition to any other transfer authority available to the
7 Department of Defense: *Provided further*, That upon a de-
8 termination that all or part of the funds so transferred
9 from this appropriation are not necessary for the purposes
10 provided herein, such amounts may be transferred back
11 to this appropriation: *Provided further*, That contributions
12 of funds for the purposes provided herein from any person,
13 foreign government, or international organization may be
14 credited to this Fund, and used for such purposes: *Pro-*
15 *vided further*, That the Secretary shall notify the congres-
16 sional defense committees in writing upon the receipt and
17 upon the transfer of any contribution delineating the
18 sources and amounts of the funds received and the specific
19 use of such contributions: *Provided further*, That the Sec-
20 retary of Defense shall, not fewer than 15 days prior to
21 making transfers from this appropriation account, notify
22 the congressional defense committees in writing of the de-
23 tails of any such transfer: *Provided further*, That the Sec-
24 retary shall submit a report no later than 30 days after
25 the end of each fiscal quarter to the congressional defense

1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,
3 Navy”, \$3,563,254,000, to remain available for obligation
4 until September 30, 2010.

5 WEAPONS PROCUREMENT, NAVY

6 For an additional amount for “Weapons Procure-
7 ment, Navy”, \$317,456,000, to remain available for obli-
8 gation until September 30, 2010.

9 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
10 CORPS

11 For an additional amount for “Procurement of Am-
12 munition, Navy and Marine Corps”, \$304,945,000, to re-
13 main available for obligation until September 30, 2010.

14 OTHER PROCUREMENT, NAVY

15 For an additional amount for “Other Procurement,
16 Navy”, \$1,399,135,000, to remain available for obligation
17 until September 30, 2010.

18 PROCUREMENT, MARINE CORPS

19 For an additional amount for “Procurement, Marine
20 Corps”, \$2,197,390,000, to remain available for obligation
21 until September 30, 2010.

22 AIRCRAFT PROCUREMENT, AIR FORCE

23 For an additional amount for “Aircraft Procurement,
24 Air Force”, \$7,103,923,000, to remain available for obli-
25 gation until September 30, 2010.

1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,
3 Air Force”, \$66,943,000, to remain available for obliga-
4 tion until September 30, 2010.

5 PROCUREMENT OF AMMUNITION, AIR FORCE

6 For an additional amount for “Procurement of Am-
7 muniton, Air Force”, \$205,455,000, to remain available
8 for obligation until September 30, 2010.

9 OTHER PROCUREMENT, AIR FORCE

10 For an additional amount for “Other Procurement,
11 Air Force”, \$1,953,167,000, to remain available for obli-
12 gation until September 30, 2010.

13 PROCUREMENT, DEFENSE-WIDE

14 For an additional amount for “Procurement, De-
15 fense-Wide”, \$408,209,000, to remain available for obliga-
16 tion until September 30, 2010.

17 NATIONAL GUARD AND RESERVE EQUIPMENT

18 For an additional amount for “National Guard and
19 Reserve Equipment”, \$825,000,000, to remain available
20 for obligation until September 30, 2010: *Provided*, That
21 the Chiefs of the National Guard and Reserve components
22 shall, prior to the expenditure of funds, and not later than
23 30 days after the enactment of this Act, individually sub-
24 mit to the congressional defense committees an equipment
25 modernization priority assessment with a detailed plan for

1 the expenditure of funds for their respective National
2 Guard and Reserve components.

3 RESEARCH, DEVELOPMENT, TEST AND
4 EVALUATION

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 ARMY

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Army”, \$162,958,000, to re-
9 main available until September 30, 2009.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 NAVY

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Navy”, \$366,110,000, to re-
14 main available until September 30, 2009.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 AIR FORCE

17 For an additional amount for “Research, Develop-
18 ment, Test and Evaluation, Air Force”, \$399,817,000, to
19 remain available until September 30, 2009.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 DEFENSE-WIDE

22 For an additional amount for “Research, Develop-
23 ment, Test and Evaluation, Defense-Wide”,
24 \$816,598,000, to remain available until September 30,
25 2009.

1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for “Defense Working
4 Capital Funds”, \$1,837,450,000, to remain available for
5 obligation until expended.

6 NATIONAL DEFENSE SEALIFT FUND

7 For an additional amount for “National Defense Sea-
8 lift Fund”, \$5,110,000, to remain available for obligation
9 until expended.

10 OTHER DEPARTMENT OF DEFENSE PROGRAMS

11 DEFENSE HEALTH PROGRAM

12 For an additional amount for “Defense Health Pro-
13 gram”, \$1,413,864,000, of which \$957,064,000 shall be
14 for operation and maintenance; of which \$91,900,000 is
15 for procurement, to remain available until September 30,
16 2010; of which \$364,900,000 shall be for research, devel-
17 opment, test and evaluation, to remain available until Sep-
18 tember 30, 2009: *Provided*, That in addition to amounts
19 otherwise contained in this paragraph, \$75,000,000 is
20 hereby appropriated to the “Defense Health Program” for
21 operation and maintenance for psychological health and
22 traumatic brain injury, to remain available until Sep-
23 tember 30, 2009.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Drug Interdiction and
5 Counter-Drug Activities, Defense”, \$65,317,000, to re-
6 main available until September 30, 2009.

7 OFFICE OF THE INSPECTOR GENERAL

8 For an additional amount for “Office of the Inspector
9 General”, \$6,394,000, of which \$2,000,000 shall be for
10 research, development, test and evaluation, to remain
11 available until September 30, 2009.

12 GENERAL PROVISIONS—THIS CHAPTER

13 SEC. 11101. Appropriations provided in this chapter
14 are available for obligation until September 30, 2008, un-
15 less otherwise provided in this chapter.

16 SEC. 11102. Notwithstanding any other provision of
17 law, funds made available in this chapter are in addition
18 to amounts appropriated or otherwise made available for
19 the Department of Defense for fiscal year 2008.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 11103. Upon the determination of the Secretary
22 of Defense that such action is necessary in the national
23 interest, the Secretary may transfer between appropria-
24 tions up to \$2,500,000,000 of the funds made available
25 to the Department of Defense in this chapter: *Provided,*
26 That the Secretary shall notify the Congress promptly of

1 each transfer made pursuant to the authority in this sec-
2 tion: *Provided further*, That the authority provided in this
3 section is in addition to any other transfer authority avail-
4 able to the Department of Defense and is subject to the
5 same terms and conditions as the authority provided in
6 section 8005 of Public Law 110–116, except for the fourth
7 proviso.

8 SEC. 11104. (a) From funds made available for oper-
9 ation and maintenance in this chapter to the Department
10 of Defense, not to exceed \$1,226,841,000 may be used,
11 notwithstanding any other provision of law, to fund the
12 Commander’s Emergency Response Program, for the pur-
13 pose of enabling military commanders in Iraq, Afghani-
14 stan, and the Philippines to respond to urgent humani-
15 tarian relief and reconstruction requirements within their
16 areas of responsibility by carrying out programs that will
17 immediately assist the Iraqi, Afghan, and Filipino people.

18 (b) Not later than 15 days after the end of each fiscal
19 year quarter, the Secretary of Defense shall submit to the
20 congressional defense committees a report regarding the
21 source of funds and the allocation and use of funds during
22 that quarter that were made available pursuant to the au-
23 thority provided in this section or under any other provi-
24 sion of law for the purposes of the programs under sub-
25 section (a).

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 11105. During fiscal year 2008, the Secretary
3 of Defense may transfer not to exceed \$6,500,000 of the
4 amounts in or credited to the Defense Cooperation Ac-
5 count, pursuant to 10 U.S.C. 2608, to such appropriations
6 or funds of the Department of Defense as the Secretary
7 shall determine for use consistent with the purposes for
8 which such funds were contributed and accepted: *Pro-*
9 *vided*, That such amounts shall be available for the same
10 time period as the appropriation to which transferred:
11 *Provided further*, That the Secretary shall report to the
12 Congress all transfers made pursuant to this authority.

13 SEC. 11106. Of the amount appropriated by this
14 chapter under the heading “Drug Interdiction and
15 Counter-Drug Activities, Defense”, not to exceed
16 \$20,000,000 may be used for the provision of support for
17 counter-drug activities of the Governments of Afghani-
18 stan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and
19 Turkmenistan, as specified in section 1033 of the National
20 Defense Authorization Act for Fiscal Year 1998 (Public
21 Law 105–85, as amended by Public Laws 106–398, 108–
22 136, 109–364, and 110–181): *Provided*, That such sup-
23 port shall be in addition to support provided under any
24 other provision of the law.

1 SEC. 11107. Amounts provided in this chapter for op-
2 erations in Iraq and Afghanistan may be used by the De-
3 partment of Defense for the purchase of up to 20 heavy
4 and light armored vehicles for force protection purposes,
5 notwithstanding price or other limitations specified else-
6 where in the Department of Defense Appropriations Act,
7 2008 (Public Law 110–116), or any other provision of
8 law: *Provided*, That notwithstanding any other provision
9 of law, funds provided in Public Law 110–116 and Public
10 Law 110–161 under the heading “Other Procurement,
11 Navy” may be used for the purchase of 21 vehicles re-
12 quired for physical security of personnel, notwithstanding
13 price limitations applicable to passenger vehicles but not
14 to exceed \$255,000 per vehicle: *Provided further*, That the
15 Secretary of Defense shall submit a report in writing no
16 later than 30 days after the end of each fiscal quarter
17 notifying the congressional defense committees of any pur-
18 chase described in this section, including cost, purposes,
19 and quantities of vehicles purchased.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 11108. Section 8122(c) of Public Law 110–116
22 is amended by adding at the end the following:

23 “(4) Upon a determination that all or part of
24 the funds transferred under paragraph (1) are not
25 necessary to accomplish the purposes specified in
26 subsection (b), such amounts may be transferred

1 back to the ‘Mine Resistant Ambush Protected Vehi-
2 cle Fund’.”.

3 SEC. 11109. Notwithstanding any other provision of
4 law, not to exceed \$150,000,000 of funds made available
5 in this chapter may be obligated to conduct or support
6 a program to build the capacity of a foreign country’s na-
7 tional military forces in order for that country to conduct
8 counterterrorist operations or participate in or support
9 military and stability operations in which the U.S. Armed
10 Forces are a participant: *Provided*, That funds available
11 pursuant to the authority in this section shall be subject
12 to the same restrictions, limitations, and reporting re-
13 quirements as funds available pursuant to section 1206
14 of Public Law 109–163 as amended.

15 CHAPTER 2

16 DEFENSE BRIDGE FUND APPROPRIATIONS FOR
17 FISCAL YEAR 2009

18 DEPARTMENT OF DEFENSE—MILITARY

19 MILITARY PERSONNEL

20 MILITARY PERSONNEL, ARMY

21 For an additional amount for “Military Personnel,
22 Army”, \$839,000,000.

23 MILITARY PERSONNEL, NAVY

24 For an additional amount for “Military Personnel,
25 Navy”, \$75,000,000.

1 MILITARY PERSONNEL, MARINE CORPS

2 For an additional amount for “Military Personnel,
3 Marine Corps”, \$55,000,000.

4 MILITARY PERSONNEL, AIR FORCE

5 For an additional amount for “Military Personnel,
6 Air Force”, \$75,000,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For an additional amount for “National Guard Per-
9 sonnel, Army”, \$150,000,000.

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for “Operation and Main-
13 tenance, Army”, \$37,300,000,000.

14 OPERATION AND MAINTENANCE, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for “Operation and Main-
17 tenance, Navy”, \$3,500,000,000: *Provided*, That up to
18 \$112,000,000 shall be transferred to the Coast Guard
19 “Operating Expenses” account.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps”, \$2,900,000,000.

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$5,000,000,000.

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 For an additional amount for “Operation and Main-
3 tenance, Defense-Wide”, \$2,648,569,000, of which not to
4 exceed \$200,000,000, to remain available until expended,
5 may be used for payments to reimburse key cooperating
6 nations, for logistical, military, and other support provided
7 to United States military operations, notwithstanding any
8 other provision of law: *Provided*, That these funds may
9 be used for the purpose of providing specialized training
10 and procuring supplies and specialized equipment and pro-
11 viding such supplies and loaning such equipment on a non-
12 reimbursable basis to coalition forces supporting United
13 States military operations in Iraq and Afghanistan: *Pro-*
14 *vided further*, That such payments may be made in such
15 amounts as the Secretary of Defense, with the concurrence
16 of the Secretary of State, and in consultation with the Di-
17 rector of the Office of Management and Budget, may de-
18 termine, in his discretion, based on documentation deter-
19 mined by the Secretary of Defense to adequately account
20 for the support provided, and such determination is final
21 and conclusive upon the accounting officers of the United
22 States, and 15 days following notification to the appro-
23 priate congressional committees: *Provided further*, That
24 the Secretary of Defense shall provide quarterly reports

1 to the congressional defense committees on the use of
2 funds provided in this paragraph.

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for “Operation and Main-
5 tenance, Army Reserve”, \$79,291,000.

6 OPERATION AND MAINTENANCE, NAVY RESERVE

7 For an additional amount for “Operation and Main-
8 tenance, Navy Reserve”, \$42,490,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 RESERVE

11 For an additional amount for “Operation and Main-
12 tenance, Marine Corps Reserve”, \$47,076,000.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Air Force Reserve”, \$12,376,000.

16 OPERATION AND MAINTENANCE, ARMY NATIONAL

17 GUARD

18 For an additional amount for “Operation and Main-
19 tenance, Army National Guard”, \$333,540,000.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for “Operation and Main-
22 tenance, Air National Guard”, \$52,667,000.

1 AFGHANISTAN SECURITY FORCES FUND

2 For an additional amount for the “Afghanistan Secu-
3 rity Forces Fund”, \$2,000,000,000, to remain available
4 until September 30, 2009.

5 IRAQ SECURITY FORCES FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For the “Iraq Security Forces Fund”,
8 \$1,000,000,000, to remain available until September 30,
9 2009: *Provided*, That such funds shall be available to the
10 Secretary of Defense, notwithstanding any other provision
11 of law, for the purpose of allowing the Commander, Multi-
12 National Security Transition Command—Iraq, or the Sec-
13 retary’s designee, to provide assistance, with the concur-
14 rence of the Secretary of State, to the security forces of
15 Iraq, including the provision of equipment, supplies, serv-
16 ices, training, facility and infrastructure repair, renova-
17 tion, and construction, and funding: *Provided further*,
18 That none of the assistance provided under this heading
19 in the form of funds may be utilized for the provision of
20 salaries, wages, or bonuses to personnel of the Iraqi Secu-
21 rity Forces: *Provided further*, That the authority to pro-
22 vide assistance under this heading is in addition to any
23 other authority to provide assistance to foreign nations:
24 *Provided further*, That the Secretary of Defense may
25 transfer such funds to appropriations for military per-

1 sonnel; 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 15 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

1 PROCUREMENT, MARINE CORPS

2 For an additional amount for “Procurement, Marine
3 Corps”, \$565,425,000, to remain available for obligation
4 until September 30, 2011.

5 AIRCRAFT PROCUREMENT, AIR FORCE

6 For an additional amount for “Aircraft Procurement,
7 Air Force”, \$201,842,000, to remain available for obliga-
8 tion until September 30, 2011.

9 OTHER PROCUREMENT, AIR FORCE

10 For an additional amount for “Other Procurement,
11 Air Force”, \$1,500,644,000, to remain available for obli-
12 gation until September 30, 2011.

13 PROCUREMENT, DEFENSE-WIDE

14 For an additional amount for “Procurement, De-
15 fense-Wide”, \$177,237,000, to remain available for obliga-
16 tion until September 30, 2011.

17 RESEARCH, DEVELOPMENT, TEST AND
18 EVALUATION

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 NAVY

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Navy”, \$113,228,000, to re-
23 main available until September 30, 2010.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Air Force”, \$72,041,000, to
5 remain available until September 30, 2010.

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
7 DEFENSE-WIDE

8 For an additional amount for “Research, Develop-
9 ment, Test and Evaluation, Defense-Wide”,
10 \$202,559,000, to remain available until September 30,
11 2010.

12 OTHER DEPARTMENT OF DEFENSE PROGRAMS
13 DEFENSE HEALTH PROGRAM

14 For an additional amount for “Defense Health Pro-
15 gram”, \$1,100,000,000 for operation and maintenance.

16 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
17 DEFENSE

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Drug Interdiction and
20 Counter-Drug Activities, Defense”, \$188,000,000.

21 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Joint Improvised Ex-
24 plosive Device Defeat Fund”, \$2,000,000,000, to remain
25 available until September 30, 2011: *Provided*, That such

1 funds shall be available to the Secretary of Defense, not-
2 withstanding any other provision of law, for the purpose
3 of allowing the Director of the Joint Improvised Explosive
4 Device Defeat Organization to investigate, develop and
5 provide equipment, supplies, services, training, facilities,
6 personnel and funds to assist United States forces in the
7 defeat of improvised explosive devices: *Provided further,*
8 That within 60 days of the enactment of this Act, a plan
9 for the intended management and use of the amounts pro-
10 vided under this heading shall be submitted to the con-
11 gressional defense committees: *Provided further,* That the
12 Secretary of Defense shall submit a report not later than
13 60 days after the end of each fiscal quarter to the congres-
14 sional defense committees providing assessments of the
15 evolving threats, individual service requirements to
16 counter the threats, the current strategy for
17 predeployment training of members of the Armed Forces
18 on improvised explosive devices, and details on the execu-
19 tion of the Fund: *Provided further,* That the Secretary of
20 Defense may transfer funds provided herein to appropria-
21 tions for operation and maintenance; procurement; re-
22 search, development, test and evaluation; and defense
23 working capital funds to accomplish the purpose provided
24 herein: *Provided further,* That this transfer authority is
25 in addition to any other transfer authority available to the

1 Department of Defense: *Provided further*, That the Sec-
2 retary of Defense shall, not fewer than 15 days prior to
3 making transfers from this appropriation, notify the con-
4 gressional defense committees in writing of the details of
5 any such transfer.

6 GENERAL PROVISIONS—THIS CHAPTER

7 SEC. 11201. Appropriations provided in this chapter
8 are not available for obligation until October 1, 2008.

9 SEC. 11202. Appropriations provided in this chapter
10 are available for obligation until September 30, 2009, un-
11 less otherwise provided in this chapter.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 11203. Upon the determination of the Secretary
14 of Defense that such action is necessary in the national
15 interest, the Secretary may transfer between appropria-
16 tions up to \$4,000,000,000 of the funds made available
17 to the Department of Defense in this chapter: *Provided*,
18 That the Secretary shall notify the Congress promptly of
19 each transfer made pursuant to the authority in this sec-
20 tion: *Provided further*, That the authority provided in this
21 section is in addition to any other transfer authority avail-
22 able to the Department of Defense and is subject to the
23 same terms and conditions as the authority provided in
24 section 8005 of Public Law 110–116, except for the fourth
25 proviso.

1 SEC. 11204. (a) Not later than December 5, 2008
2 and every 90 days thereafter through the end of fiscal year
3 2009, the Secretary of Defense shall set forth in a report
4 to Congress a comprehensive set of performance indicators
5 and measures for progress toward military and political
6 stability in Iraq.

7 (b) The report shall include performance standards
8 and goals for security, economic, and security force train-
9 ing objectives in Iraq together with a notional timetable
10 for achieving these goals.

11 (c) In specific, the report requires, at a minimum,
12 the following:

13 (1) With respect to stability and security in
14 Iraq, the following:

15 (A) Key measures of political stability, in-
16 cluding the important political milestones that
17 must be achieved over the next several years.

18 (B) The primary indicators of a stable se-
19 curity environment in Iraq, such as number of
20 engagements per day, numbers of trained Iraqi
21 forces, trends relating to numbers and types of
22 ethnic and religious-based hostile encounters,
23 and progress made in the transition of responsi-
24 bility for the security of Iraqi provinces to the

1 Iraqi Security Forces under the Provincial Iraqi
2 Control (PIC) process.

3 (C) An assessment of the estimated
4 strength of the insurgency in Iraq and the ex-
5 tent to which it is composed of non-Iraqi fight-
6 ers.

7 (D) A description of all militias operating
8 in Iraq, including the number, size, equipment
9 strength, military effectiveness, sources of sup-
10 port, legal status, and efforts to disarm or re-
11 integrate each militia.

12 (E) Key indicators of economic activity
13 that should be considered the most important
14 for determining the prospects of stability in
15 Iraq, including—

16 (i) unemployment levels;

17 (ii) electricity, water, and oil produc-
18 tion rates; and

19 (iii) hunger and poverty levels.

20 (F) The most recent annual budget for the
21 Government of Iraq, including a description of
22 amounts budgeted for support of Iraqi security
23 and police forces and an assessment of how
24 planned funding will impact the training, equip-
25 ping and overall readiness of those forces.

1 (G) The criteria the Administration will
2 use to determine when it is safe to begin with-
3 drawing United States forces from Iraq.

4 (2) With respect to the training and perform-
5 ance of security forces in Iraq, the following:

6 (A) The training provided Iraqi military
7 and other Ministry of Defense forces and the
8 equipment used by such forces.

9 (B) Key criteria for assessing the capabili-
10 ties and readiness of the Iraqi military and
11 other Ministry of Defense forces, goals for
12 achieving certain capability and readiness levels
13 (as well as for recruiting, training, and equip-
14 ping these forces), and the milestones and no-
15 tional timetable for achieving these goals.

16 (C) The operational readiness status of the
17 Iraqi military forces, including the type, num-
18 ber, size, and organizational structure of Iraq
19 battalions that are—

20 (i) capable of conducting
21 counterinsurgency operations independ-
22 ently without any support from Coalition
23 Forces;

1 (ii) capable of conducting
2 counterinsurgency operations with the sup-
3 port of United States or coalition forces; or

4 (iii) not ready to conduct
5 counterinsurgency operations.

6 (D) The amount and type of support pro-
7 vided by Coalition Forces to the Iraqi Security
8 Forces at each level of operational readiness.

9 (E) The number of Iraqi battalions in the
10 Iraqi Army currently conducting operations and
11 the type of operations being conducted.

12 (F) The rates of absenteeism in the Iraqi
13 military forces and the extent to which insur-
14 gents have infiltrated such forces.

15 (G) The training provided Iraqi police and
16 other Ministry of Interior forces and the equip-
17 ment used by such forces.

18 (H) The level and effectiveness of the Iraqi
19 Security Forces under the Ministry of Defense
20 in provinces where the United States has for-
21 mally transferred responsibility for the security
22 of the province to the Iraqi Security Forces
23 under the Provincial Iraqi Control (PIC) proc-
24 ess.

1 (I) Key criteria for assessing the capabili-
2 ties and readiness of the Iraqi police and other
3 Ministry of Interior forces, goals for achieving
4 certain capability and readiness levels (as well
5 as for recruiting, training, and equipping), and
6 the milestones and notional timetable for
7 achieving these goals, including—

8 (i) the number of police recruits that
9 have received classroom training and the
10 duration of such instruction;

11 (ii) the number of veteran police offi-
12 cers who have received classroom instruc-
13 tion and the duration of such instruction;

14 (iii) the number of police candidates
15 screened by the Iraqi Police Screening
16 Service, the number of candidates derived
17 from other entry procedures, and the suc-
18 cess rates of those groups of candidates;

19 (iv) the number of Iraqi police forces
20 who have received field training by inter-
21 national police trainers and the duration of
22 such instruction;

23 (v) attrition rates and measures of ab-
24 senteeism and infiltration by insurgents;
25 and

1 (vi) the level and effectiveness of the
2 Iraqi Police and other Ministry of Interior
3 Forces in provinces where the United
4 States has formally transferred responsi-
5 bility for the security of the province to the
6 Iraqi Security Forces under the Provincial
7 Iraqi Control (PIC) process.

8 (J) The estimated total number of Iraqi
9 battalions needed for the Iraqi security forces
10 to perform duties now being undertaken by coa-
11 lition forces, including defending the borders of
12 Iraq and providing adequate levels of law and
13 order throughout Iraq.

14 (K) The effectiveness of the Iraqi military
15 and police officer cadres and the chain of com-
16 mand.

17 (L) The number of United States and coa-
18 lition advisors needed to support the Iraqi secu-
19 rity forces and associated ministries.

20 (M) An assessment, in a classified annex if
21 necessary, of United States military require-
22 ments, including planned force rotations,
23 through the end of calendar year 2009.

24 SEC. 11205. (a) REPORT BY SECRETARY OF DE-
25 FENSE.—Not later than 30 days after the date of the en-

1 actment of this Act, the Secretary of Defense shall submit
2 to the congressional defense committees a report that con-
3 tains individual transition readiness assessments by unit
4 of Iraq and Afghan security forces. The Secretary of De-
5 fense shall submit to the congressional defense committees
6 updates of the report required by this subsection every 90
7 days after the date of the submission of the report until
8 October 1, 2009. The report and updates of the report
9 required by this subsection shall be submitted in classified
10 form.

11 (b) REPORT BY OMB.—

12 (1) The Director of the Office of Management
13 and Budget, in consultation with the Secretary of
14 Defense; the Commander, Multi-National Security
15 Transition Command—Iraq; and the Commander,
16 Combined Security Transition Command—Afghani-
17 stan, shall submit to the congressional defense com-
18 mittees not later than 120 days after the date of the
19 enactment of this Act and every 90 days thereafter
20 a report on the proposed use of all funds under each
21 of the headings “Iraq Security Forces Fund” and
22 “Afghanistan Security Forces Fund” on a project-
23 by-project basis, for which the obligation of funds is
24 anticipated during the 3-month period from such
25 date, including estimates by the commanders re-

1 ferred to in this paragraph of the costs required to
2 complete each such project.

3 (2) The report required by this subsection shall
4 include the following:

5 (A) The use of all funds on a project-by-
6 project basis for which funds appropriated
7 under the headings referred to in paragraph (1)
8 were obligated prior to the submission of the re-
9 port, including estimates by the commanders
10 referred to in paragraph (1) of the costs to
11 complete each project.

12 (B) The use of all funds on a project-by-
13 project basis for which funds were appropriated
14 under the headings referred to in paragraph (1)
15 in prior appropriations Acts, or for which funds
16 were made available by transfer, reprogram-
17 ming, or allocation from other headings in prior
18 appropriations Acts, including estimates by the
19 commanders referred to in paragraph (1) of the
20 costs to complete each project.

21 (C) An estimated total cost to train and
22 equip the Iraq and Afghan security forces,
23 disaggregated by major program and sub-ele-
24 ments by force, arrayed by fiscal year.

1 (c) NOTIFICATION.—The Secretary of Defense shall
2 notify the congressional defense committees of any pro-
3 posed new projects or transfers of funds between sub-ac-
4 tivity groups in excess of \$15,000,000 using funds appro-
5 priated by this Act under the headings “Iraq Security
6 Forces Fund” and “Afghanistan Security Forces Fund”.

7 SEC. 11206. Funds available to the Department of
8 Defense for operation and maintenance provided in this
9 chapter may be used, notwithstanding any other provision
10 of law, to provide supplies, services, transportation, includ-
11 ing airlift and sealift, and other logistical support to coali-
12 tion forces supporting military and stability operations in
13 Iraq and Afghanistan: *Provided*, That the Secretary of De-
14 fense shall provide quarterly reports to the congressional
15 defense committees regarding support provided under this
16 section.

17 SEC. 11207. Supervision and administration costs as-
18 sociated with a construction project funded with appro-
19 priations available for operation and maintenance, “Af-
20 ghanistan Security Forces Fund” or “Iraq Security
21 Forces Fund” provided in this chapter, and executed in
22 direct support of the Global War on Terrorism only in Iraq
23 and Afghanistan, may be obligated at the time a construc-
24 tion contract is awarded: *Provided*, That for the purpose

1 of this section, supervision and administration costs in-
2 clude all in-house Government costs.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 11208. (a) Notwithstanding any other provision
5 of law, and in addition to amounts otherwise made avail-
6 able by this Act, there is appropriated \$1,700,000,000 for
7 the “Mine Resistant Ambush Protected Vehicle Fund”, to
8 remain available until September 30, 2009.

9 (b) The funds provided by subsection (a) shall be
10 available to the Secretary of Defense to continue techno-
11 logical research and development and upgrades, to procure
12 Mine Resistant Ambush Protected vehicles and associated
13 support equipment, and to sustain, transport, and field
14 Mine Resistant Ambush Protected vehicles.

15 (c)(1) The Secretary of Defense shall transfer funds
16 provided by subsection (a) to appropriations for operation
17 and maintenance; procurement; and research, develop-
18 ment, test and evaluation to accomplish the purposes spec-
19 ified in subsection (b). Such transferred funds shall be
20 merged with and be available for the same purposes and
21 for the same time period as the appropriation to which
22 they are transferred.

23 (2) The transfer authority provided by this subsection
24 shall be in addition to any other transfer authority avail-
25 able to the Department of Defense.

1 SEC. 11303. None of the funds made available in this
2 Act may be used in contravention of the following laws
3 enacted or regulations promulgated to implement the
4 United Nations Convention Against Torture and Other
5 Cruel, Inhuman or Degrading Treatment or Punishment
6 (done at New York on December 10, 1984):

7 (1) Section 2340A of title 18, United States
8 Code;

9 (2) Section 2242 of the Foreign Affairs Reform
10 and Restructuring Act of 1998 (division G of Public
11 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
12 note) and regulations prescribed thereto, including
13 regulations under part 208 of title 8, Code of Fed-
14 eral Regulations, and part 95 of title 22, Code of
15 Federal Regulations; and

16 (3) Sections 1002 and 1003 of the Department
17 of Defense, Emergency Supplemental Appropriations
18 to Address Hurricanes in the Gulf of Mexico, and
19 Pandemic Influenza Act, 2006 (Public Law 109–
20 148).

21 SEC. 11304. (a) REPORT REQUIRED.—Not later than
22 120 days after the date of the enactment of this Act, the
23 Secretary of Defense, the Secretary of State, and the Sec-
24 retary of Homeland Security, in coordination with the
25 Chairman of the Joint Chiefs of Staff and the Director

1 of National Intelligence, shall jointly submit to Congress
2 a report setting forth the global strategy of the United
3 States to combat and defeat al Qaeda and its affiliates.

4 (b) ELEMENTS OF STRATEGY.—The strategy set
5 forth in the report required under subsection (a) shall in-
6 clude the following elements:

7 (1) An analysis of the global threat posed by al
8 Qaeda and its affiliates, including an assessment of
9 the relative threat posed in particular regions or
10 countries.

11 (2) Recommendations regarding the distribution
12 and deployment of United States military, intel-
13 ligence, diplomatic, and other assets to meet the rel-
14 ative regional and country-specific threats described
15 in paragraph (1).

16 (3) Recommendations to ensure that the global
17 deployment of United States military personnel and
18 equipment best meet the threat identified and de-
19 scribed in paragraph (1) and:

20 (A) does not undermine the military readi-
21 ness or homeland security of the United States;

22 (B) ensures adequate time between mili-
23 tary deployments for rest and training; and

24 (C) does not require further extensions of
25 military deployments to the extent practicable.

1 Consolidated Appropriations Act, 2008 (Public Law 110–
2 161), \$71,531,000 are rescinded.

3 SEC. 11309. Of the funds appropriated in the U.S.
4 Troop Readiness, Veterans’ Care, Katrina Recovery, and
5 Iraq Accountability Appropriations Act, 2007 (Public Law
6 110–28) which remain available for obligation under the
7 “Iraq Freedom Fund”, \$150,000,000 is only for the Joint
8 Rapid Acquisition Cell, and \$10,000,000 is only for the
9 transportation of fallen service members.

10 SEC. 11310. None of the funds available to the De-
11 partment of Defense may be obligated or expended to im-
12 plement any final action on joint basing initiatives re-
13 quired under the 2005 round of defense base closure and
14 realignment under the Defense Base Closure and Realign-
15 ment Act of 1990 (part A of title XXIX of Public Law
16 101–510; 10 U.S.C. 2687 note) until each affected Sec-
17 retary of a military department or the head of each af-
18 fected Federal agency certifies to the congressional de-
19 fense committees that joint basing at the affected military
20 installation will result in significant costs savings and will
21 not negatively impact the morale of members of the Armed
22 Forces.

23 SEC. 11311. Funds available in this title which are
24 available to the Department of Defense for operation and
25 maintenance may be used to purchase items having an in-

1 vestment unit cost of not more than \$250,000: *Provided*,
2 That upon determination by the Secretary of Defense that
3 such action is necessary to meet the operational require-
4 ments of a Commander of a Combatant Command en-
5 gaged in contingency operations overseas, such funds may
6 be used to purchase items having an investment item unit
7 cost of not more than \$500,000.

8 SEC. 11312. H-2B NONIMMIGRANTS. (a) SHORT
9 TITLE.—This section may be cited as the “Save Our
10 Small and Seasonal Businesses Act of 2007”.

11 (b) EXTENSION OF RETURNING WORKER EXEMP-
12 TION TO H-2B NUMERICAL LIMITATION.—Section
13 214(g)(9)(A) of the Immigration and Nationality Act (8
14 U.S.C. 1184(g)(9)(A)) is amended by striking “an alien
15 who has already been counted toward the numerical limi-
16 tation of paragraph (1)(B) during fiscal year 2004, 2005,
17 or 2006 shall not again be counted toward such limitation
18 during fiscal year 2007.” and inserting “an alien who has
19 been present in the United States as an H-2B non-
20 immigrant during any 1 of the 3 fiscal years immediately
21 preceding the fiscal year of the approved start date of a
22 petition for a nonimmigrant worker described in section
23 101(a)(15)(H)(ii)(b) shall not be counted toward such lim-
24 itation for the fiscal year in which the petition is ap-
25 proved.”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 subsection (b) shall be effective during the 3-year period
3 beginning on October 1, 2007.