

***In the Senate of the United States,***

*December 18, 2007.*

*Resolved*, That the Senate agree to the amendments of the House of Representatives to the amendment of the Senate to the bill (H.R. 2764) entitled “An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.”, with the following

**SENATE AMENDMENT TO HOUSE AMENDMENTS TO  
SENATE AMENDMENT:**

Page 1431, line 15, of the House engrossed amendments to the Senate amendment to the text of the bill, strike division L and insert:

1 *DIVISION L—SUPPLEMENTAL APPROPRIATIONS,*

2 *DEFENSE*

3 *TITLE I—MILITARY PERSONNEL*

4 *MILITARY PERSONNEL*

5 *MILITARY PERSONNEL, ARMY*

6 *For an additional amount for “Military Personnel,*

7 *Army”, \$782,500,000.*

1                    *MILITARY PERSONNEL, NAVY*

2            *For an additional amount for “Military Personnel,*  
 3 *Navy”, \$95,624,000.*

4                    *MILITARY PERSONNEL, MARINE CORPS*

5            *For an additional amount for “Military Personnel,*  
 6 *Marine Corps”, \$56,050,000.*

7                    *MILITARY PERSONNEL, AIR FORCE*

8            *For an additional amount for “Military Personnel,*  
 9 *Air Force”, \$138,037,000.*

10            *TITLE II—OPERATION AND MAINTENANCE*11                    *OPERATION AND MAINTENANCE*12                    *OPERATION AND MAINTENANCE, ARMY*

13            *For an additional amount for “Operation and Mainte-*  
 14 *nance, Army”, \$35,152,370,000.*

15                    *OPERATION AND MAINTENANCE, NAVY*16                    *(INCLUDING TRANSFERS OF FUNDS)*

17            *For an additional amount for “Operation and Mainte-*  
 18 *nance, Navy”, \$3,664,000,000: Provided, That up to*  
 19 *\$110,000,000 shall be transferred to the Coast Guard “Op-*  
 20 *erating Expenses” account.*

21                    *OPERATION AND MAINTENANCE, MARINE CORPS*

22            *For an additional amount for “Operation and Mainte-*  
 23 *nance, Marine Corps”, \$3,965,638,000.*

1            *OPERATION AND MAINTENANCE, AIR FORCE*

2            *For an additional amount for “Operation and Mainte-*  
3 *nance, Air Force”, \$4,778,000,000.*

4            *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

5            *For an additional amount for “Operation and Mainte-*  
6 *nance, Defense-Wide”, \$2,116,950,000, of which up to*  
7 *\$300,000,000, to remain available until expended, may be*  
8 *used for payments to reimburse Pakistan, Jordan, and*  
9 *other key cooperating nations, for logistical, military, and*  
10 *other support provided, or to be provided, to United States*  
11 *military operations, notwithstanding any other provision*  
12 *of law: Provided, That such payments may be made in such*  
13 *amounts as the Secretary of Defense, with the concurrence*  
14 *of the Secretary of State, and in consultation with the Di-*  
15 *rector of the Office of Management and Budget, may deter-*  
16 *mine, in his discretion, based on documentation determined*  
17 *by the Secretary of Defense to adequately account for the*  
18 *support provided, and such determination is final and con-*  
19 *clusive upon the accounting officers of the United States,*  
20 *and 15 days following notification to the appropriate con-*  
21 *gressional committees: Provided further, That the Secretary*  
22 *of Defense shall provide quarterly reports to the congress-*  
23 *sional defense committees on the use of funds provided in*  
24 *this paragraph.*

1        *OPERATION AND MAINTENANCE, ARMY RESERVE*

2        *For an additional amount for “Operation and Mainte-*  
 3 *nance, Army Reserve”, \$77,736,000.*

4        *OPERATION AND MAINTENANCE, NAVY RESERVE*

5        *For an additional amount for “Operation and Mainte-*  
 6 *nance, Navy Reserve”, \$41,657,000.*

7        *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

8        *For an additional amount for “Operation and Mainte-*  
 9 *nance, Marine Corps Reserve”, \$46,153,000.*

10       *OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE*

11       *For an additional amount for “Operation and Mainte-*  
 12 *nance, Air Force Reserve”, \$12,133,000.*

13       *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

14       *For an additional amount for “Operation and Mainte-*  
 15 *nance, Army National Guard”, \$327,000,000.*

16       *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

17       *For an additional amount for “Operation and Mainte-*  
 18 *nance, Air National Guard”, \$51,634,000.*

19                                *IRAQ FREEDOM FUND*

20                                *(INCLUDING TRANSFER OF FUNDS)*

21        *For an additional amount for “Iraq Freedom Fund”,*  
 22 *\$3,747,327,000, to remain available for transfer until Sep-*  
 23 *tember 30, 2009, only to support operations in Iraq or Af-*  
 24 *ghanistan: Provided, That the Secretary of Defense may*  
 25 *transfer the funds provided herein 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 working cap-*  
4 *ital funds: Provided further, That funds transferred shall*  
5 *be merged with and be available for the same purposes and*  
6 *for the same time period as the appropriation or fund to*  
7 *which transferred: Provided further, That this transfer au-*  
8 *thority is in addition to any other transfer authority avail-*  
9 *able to the Department of Defense: Provided further, That*  
10 *upon a determination that all or part of the funds trans-*  
11 *ferred from this appropriation are not necessary for the*  
12 *purposes provided herein, such amounts may be transferred*  
13 *back to this appropriation: Provided further, That the Sec-*  
14 *retary of Defense shall, not fewer than 5 days prior to mak-*  
15 *ing transfers from this appropriation, notify the congress-*  
16 *sional defense committees in writing of the details of any*  
17 *such transfer: Provided further, That the Secretary shall*  
18 *submit a report no later than 30 days after the end of each*  
19 *fiscal quarter to the congressional defense committees sum-*  
20 *marizing the details of the transfer of funds from this ap-*  
21 *propriation.*

22 *AFGHANISTAN SECURITY FORCES FUND*  
23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For the “Afghanistan Security Forces Fund”,*  
25 *\$1,350,000,000, to remain available until September 30,*

1 2009: *Provided, That such funds shall be available to the*  
2 *Secretary of Defense, notwithstanding any other provision*  
3 *of law, for the purpose of allowing the Commander, Office*  
4 *of Security Cooperation–Afghanistan, or the Secretary’s*  
5 *designee, to provide assistance, with the concurrence of the*  
6 *Secretary of State, to the security forces of Afghanistan, in-*  
7 *cluding the provision of equipment, supplies, services,*  
8 *training, facility and infrastructure repair, renovation,*  
9 *and construction, and funding: Provided further, That the*  
10 *authority to provide assistance under this heading is in ad-*  
11 *dition to any other authority to provide assistance to for-*  
12 *eign nations: Provided further, That the Secretary of De-*  
13 *fense may transfer such funds to appropriations for mili-*  
14 *tary personnel; operation and maintenance; Overseas Hu-*  
15 *manitarian, Disaster, and Civic Aid; procurement; re-*  
16 *search, development, test and evaluation; and defense work-*  
17 *ing capital funds to accomplish the purposes provided here-*  
18 *in: Provided further, That this transfer authority is in ad-*  
19 *dition to any other transfer authority available to the De-*  
20 *partment of Defense: Provided further, That upon a deter-*  
21 *mination that all or part of the funds so transferred from*  
22 *this appropriation are not necessary for the purposes pro-*  
23 *vided herein, such amounts may be transferred back to this*  
24 *appropriation: Provided further, That contributions of*  
25 *funds for the purposes provided herein from any person,*

1 *foreign government, or international organization may be*  
2 *credited to this Fund, and used for such purposes: Provided*  
3 *further, That the Secretary shall notify the congressional*  
4 *defense committees in writing upon the receipt and upon*  
5 *the transfer of any contribution delineating the sources and*  
6 *amounts of the funds received and the specific use of such*  
7 *contributions: Provided further, That the Secretary of De-*  
8 *fense shall, not fewer than five days prior to making trans-*  
9 *fers from this appropriation account, notify the congres-*  
10 *sional defense committees in writing of the details of any*  
11 *such transfer: Provided further, That the Secretary shall*  
12 *submit a report no later than 30 days after the end of each*  
13 *fiscal quarter to the congressional defense committees sum-*  
14 *marizing the details of the transfer of funds from this ap-*  
15 *propriation.*

16 *IRAQ SECURITY FORCES FUND*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the “Iraq Security Forces Fund”, \$1,500,000,000,*  
19 *to remain available until September 30, 2009: Provided,*  
20 *That such funds shall be available to the Secretary of De-*  
21 *fense, notwithstanding any other provision of law, for the*  
22 *purpose of allowing the Commander, Multi-National Secu-*  
23 *rity Transition Command–Iraq, or the Secretary’s designee,*  
24 *to provide assistance, with the concurrence of the Secretary*  
25 *of State, to the security forces of Iraq, including the provi-*

1 sion of equipment, supplies, services, training, facility and  
2 infrastructure repair, renovation, and construction, and  
3 funding: Provided further, That the authority to provide as-  
4 sistance under this heading is in addition to any other au-  
5 thority to provide assistance to foreign nations: Provided  
6 further, That the Secretary of Defense may transfer such  
7 funds to appropriations for military personnel; operation  
8 and maintenance; Overseas Humanitarian, Disaster, and  
9 Civic Aid; procurement; research, development, test and  
10 evaluation; and defense working capital funds to accom-  
11 plish the purposes provided herein: Provided further, That  
12 this transfer authority is in addition to any other transfer  
13 authority available to the Department of Defense: Provided  
14 further, That upon a determination that all or part of the  
15 funds so transferred from this appropriation are not nec-  
16 essary for the purposes provided herein, such amounts may  
17 be transferred back to this appropriation: Provided further,  
18 That contributions of funds for the purposes provided herein  
19 from any person, foreign government, or international orga-  
20 nization may be credited to this Fund, and used for such  
21 purposes: Provided further, That the Secretary shall notify  
22 the congressional defense committees in writing upon the  
23 receipt and upon the transfer of any contribution delin-  
24 eating the sources and amounts of the funds received and  
25 the specific use of such contributions: Provided further, That



1 *the Secretary of Defense shall, not fewer than five days*  
2 *prior to making transfers from this appropriation account,*  
3 *notify the congressional defense committees in writing of*  
4 *the details of any such transfer: Provided further, That the*  
5 *Secretary shall submit a report no later than 30 days after*  
6 *the end of each fiscal quarter to the congressional defense*  
7 *committees summarizing the details of the transfer of funds*  
8 *from this appropriation.*

9 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the “Joint Improvised Explosive Device Defeat*  
12 *Fund”, \$4,269,000,000, to remain available until Sep-*  
13 *tember 30, 2010: Provided, That such funds shall be avail-*  
14 *able to the Secretary of Defense, notwithstanding any other*  
15 *provision of law, for the purpose of allowing the Director*  
16 *of the Joint Improvised Explosive Device Defeat Organiza-*  
17 *tion to investigate, develop and provide equipment, sup-*  
18 *plies, services, training, facilities, personnel and funds to*  
19 *assist United States forces in the defeat of improvised explo-*  
20 *sive devices: Provided further, That within 60 days of the*  
21 *enactment of this Act, a plan for the intended management*  
22 *and use of the Fund is provided to the congressional defense*  
23 *committees: Provided further, That the Secretary of Defense*  
24 *shall submit a report not later than 30 days after the end*  
25 *of each fiscal quarter to the congressional defense commit-*

1 *tees providing assessments of the evolving threats, indi-*  
2 *vidual service requirements to counter the threats, the cur-*  
3 *rent strategy for predeployment training of members of the*  
4 *Armed Forces on improvised explosive devices, and details*  
5 *on the execution of this Fund: Provided further, That the*  
6 *Secretary of Defense may transfer funds provided herein to*  
7 *appropriations for military personnel; operation and main-*  
8 *tenance; procurement; research, development, test and eval-*  
9 *uation; and defense working capital funds to accomplish the*  
10 *purpose provided herein: Provided further, That this trans-*  
11 *fer authority is in addition to any other transfer authority*  
12 *available to the Department of Defense: Provided further,*  
13 *That upon determination that all or part of the funds so*  
14 *transferred from this appropriation are not necessary for*  
15 *the purpose provided herein, such amounts may be trans-*  
16 *ferred back to this appropriation: Provided further, That*  
17 *the Secretary of Defense shall, not fewer than 5 days prior*  
18 *to making transfers from this appropriation, notify the con-*  
19 *gressional defense committees in writing of the details of*  
20 *any such transfer.*

1                    *TITLE III—PROCUREMENT*2                    *PROCUREMENT*3                    *AIRCRAFT PROCUREMENT, ARMY*

4            *For an additional amount for “Aircraft Procurement,*  
5 *Army”, \$943,600,000, to remain available for obligation*  
6 *until September 30, 2010.*

7                    *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*8                    *VEHICLES, ARMY*

9            *For an additional amount for “Procurement of Weap-*  
10 *ons and Tracked Combat Vehicles, Army”, \$1,429,445,000,*  
11 *to remain available for obligation until September 30,*  
12 *2010.*

13                    *PROCUREMENT OF AMMUNITION, ARMY*

14            *For an additional amount for “Procurement of Am-*  
15 *munition, Army”, \$154,000,000, to remain available for ob-*  
16 *ligation until September 30, 2010.*

17                    *OTHER PROCUREMENT, ARMY*

18            *For an additional amount for “Other Procurement,*  
19 *Army”, \$2,027,800,000, to remain available for obligation*  
20 *until September 30, 2010.*

21                    *AIRCRAFT PROCUREMENT, NAVY*

22            *For an additional amount for “Aircraft Procurement,*  
23 *Navy”, \$48,500,000, to remain available for obligation*  
24 *until September 30, 2010.*



1 *TITLE IV—REVOLVING AND MANAGEMENT FUNDS*2 *REVOLVING AND MANAGEMENT FUNDS*3 *DEFENSE WORKING CAPITAL FUNDS*

4 *For an additional amount of “Defense Working Cap-*  
5 *ital Funds”, \$1,000,000,000, to remain available for obliga-*  
6 *tion until September 30, 2010.*

7 *TITLE V—OTHER DEPARTMENT OF DEFENSE*8 *PROGRAMS*9 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*10 *DEFENSE HEALTH PROGRAM*

11 *For an additional amount for “Defense Health Pro-*  
12 *gram”, \$575,701,000 for Operation and maintenance.*

13 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*14 *DEFENSE*

15 *For an additional amount for “Drug Interdiction and*  
16 *Counter-Drug Activities, Defense”, \$192,601,000.*

17 *TITLE VI—GENERAL PROVISIONS*18 *GENERAL PROVISIONS*

19 *SEC. 601. Appropriations provided in this division are*  
20 *available for obligation until September 30, 2008, unless*  
21 *otherwise so provided in this division.*

22 *SEC. 602. Notwithstanding any other provision of law*  
23 *or of this division, funds made available in this division*  
24 *are in addition to amounts appropriated or otherwise made*  
25 *available for the Department of Defense for fiscal year 2008.*

(TRANSFER OF FUNDS)

1  
2       *SEC. 603. Upon the determination of the Secretary of*  
3 *Defense that such action is necessary in the national inter-*  
4 *est, the Secretary may transfer between appropriations up*  
5 *to \$4,000,000,000 of the funds made available to the De-*  
6 *partment of Defense in this division: Provided, That the*  
7 *Secretary shall notify the Congress promptly of each trans-*  
8 *fer made pursuant to the authority in this section: Provided*  
9 *further, That the authority provided in this section is in*  
10 *addition to any other transfer authority available to the*  
11 *Department of Defense.*

12       *SEC. 604. Funds appropriated in this division, or*  
13 *made available by the transfer of funds in or pursuant to*  
14 *this division, for intelligence activities are deemed to be spe-*  
15 *cifically authorized by the Congress for purposes of section*  
16 *504 of the National Security Act of 1947 (50 U.S.C. 414).*

17       *SEC. 605. None of the funds provided in this division*  
18 *may be used to finance programs or activities denied by*  
19 *Congress in fiscal years 2007 or 2008 appropriations to the*  
20 *Department of Defense or to initiate a procurement or re-*  
21 *search, development, test and evaluation new start program*  
22 *without prior written notification to the congressional de-*  
23 *fense committees.*

24       *SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—*  
25 *From funds made available in this division to the Depart-*

1 *ment of Defense, not to exceed \$500,000,000 may be used,*  
2 *notwithstanding any other provision of law, to fund the*  
3 *Commander's Emergency Response Program, for the pur-*  
4 *pose of enabling military commanders in Iraq to respond*  
5 *to urgent humanitarian relief and reconstruction require-*  
6 *ments within their areas of responsibility by carrying out*  
7 *programs that will immediately assist the Iraqi people, and*  
8 *to fund a similar program to assist the people of Afghani-*  
9 *stan.*

10       **(b) QUARTERLY REPORTS.**—*Not later than 15 days*  
11 *after the end of each fiscal year quarter (beginning with*  
12 *the first quarter of fiscal year 2008), the Secretary of De-*  
13 *fense shall submit to the congressional defense committees*  
14 *a report regarding the source of funds and the allocation*  
15 *and use of funds during that quarter that were made avail-*  
16 *able pursuant to the authority provided in this section or*  
17 *under any other provision of law for the purposes of the*  
18 *programs under subsection (a).*

19       **SEC. 607.** *During the current fiscal year, funds avail-*  
20 *able to the Department of Defense for operation and mainte-*  
21 *nance may be used, notwithstanding any other provision*  
22 *of law, to provide supplies, services, transportation, includ-*  
23 *ing airlift and sealift, and other logistical support to coal-*  
24 *ition forces supporting military and stability operations in*  
25 *Iraq and Afghanistan: Provided, That the Secretary of De-*

1 *fense shall provide quarterly reports to the congressional de-*  
2 *fense committees regarding support provided under this sec-*  
3 *tion.*

4       *SEC. 608. During fiscal year 2008, supervision and*  
5 *administration costs associated with projects carried out*  
6 *with funds appropriated to “Afghanistan Security Forces*  
7 *Fund” or “Iraq Security Forces Fund” in this division*  
8 *may be obligated at the time a construction contract is*  
9 *awarded: Provided, That for the purpose of this section, su-*  
10 *per vision and administration costs include all in-house*  
11 *Government costs.*

12       *SEC. 609. (a) REPORTS ON PROGRESS TOWARD STA-*  
13 *BILITY IN IRAQ.—Not later than 60 days after the date of*  
14 *the enactment of this Act and every 90 days thereafter*  
15 *through the end of fiscal year 2008, the Secretary of Defense*  
16 *shall set forth in a report to Congress a comprehensive set*  
17 *of performance indicators and measures for progress toward*  
18 *military and political stability in Iraq.*

19       *(b) SCOPE OF REPORTS.—Each report shall include*  
20 *performance standards and goals for security, economic,*  
21 *and security force training objectives in Iraq together with*  
22 *a notional timetable for achieving these goals.*

23       *(c) SPECIFIC ELEMENTS.—In specific, each report*  
24 *shall require, at a minimum, the following:*



1           (1) *With respect to stability and security in*  
2 *Iraq, the following:*

3           (A) *Key measures of political stability, in-*  
4 *cluding the important political milestones that*  
5 *must be achieved over the next several years.*

6           (B) *The primary indicators of a stable secu-*  
7 *rity environment in Iraq, such as number of en-*  
8 *gagements per day, numbers of trained Iraqi*  
9 *forces, and trends relating to numbers and types*  
10 *of ethnic and religious-based hostile encounters.*

11          (C) *An assessment of the estimated strength*  
12 *of the insurgency in Iraq and the extent to which*  
13 *it is composed of non-Iraqi fighters.*

14          (D) *A description of all militias operating*  
15 *in Iraq, including the number, size, equipment*  
16 *strength, military effectiveness, sources of sup-*  
17 *port, legal status, and efforts to disarm or re-*  
18 *integrate each militia.*

19          (E) *Key indicators of economic activity that*  
20 *should be considered the most important for de-*  
21 *termining the prospects of stability in Iraq,*  
22 *including—*

23                 (i) *unemployment levels;*

24                 (ii) *electricity, water, and oil produc-*  
25 *tion rates; and*

1                   (iii) hunger and poverty levels.

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

5                   (2) With respect to the training and performance  
6 of security forces in Iraq, the following:

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

10                  (B) Key criteria for assessing the capabili-  
11 ties and readiness of the Iraqi military and  
12 other Ministry of Defense forces, goals for achiev-  
13 ing certain capability and readiness levels (as  
14 well as for recruiting, training, and equipping  
15 these forces), and the milestones and notional  
16 timetable for achieving these goals.

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

21                   (i) capable of conducting  
22 counterinsurgency operations independ-  
23 ently;

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 rates of absenteeism in the Iraqi*  
7                   *military forces and the extent to which insur-*  
8                   *gents have infiltrated such forces.*

9                   (E) *The training provided Iraqi police and*  
10                  *other Ministry of Interior forces and the equip-*  
11                  *ment used by such forces.*

12                  (F) *Key criteria for assessing the capabili-*  
13                  *ties and readiness of the Iraqi police and other*  
14                  *Ministry of Interior forces, goals for achieving*  
15                  *certain capability and readiness levels (as well*  
16                  *as for recruiting, training, and equipping), and*  
17                  *the milestones and notional timetable for achiev-*  
18                  *ing these goals, including—*

19                         (i) *the number of police recruits that*  
20                         *have received classroom training and the*  
21                         *duration of such instruction;*

22                         (ii) *the number of veteran police offi-*  
23                         *cers who have received classroom instruction*  
24                         *and the duration of such instruction;*

1                   (iii) the number of police candidates  
2                   screened by the Iraqi Police Screening Serv-  
3                   ice, the number of candidates derived from  
4                   other entry procedures, and the success rates  
5                   of those groups of candidates;

6                   (iv) the number of Iraqi police forces  
7                   who have received field training by inter-  
8                   national police trainers and the duration of  
9                   such instruction; and

10                  (v) attrition rates and measures of ab-  
11                  senteeism and infiltration by insurgents.

12                  (G) The estimated total number of Iraqi  
13                  battalions needed for the Iraqi security forces to  
14                  perform duties now being undertaken by coal-  
15                  ition forces, including defending the borders of  
16                  Iraq and providing adequate levels of law and  
17                  order throughout Iraq.

18                  (H) The effectiveness of the Iraqi military  
19                  and police officer cadres and the chain of com-  
20                  mand.

21                  (I) The number of United States and coal-  
22                  ition advisors needed to support the Iraqi secu-  
23                  rity forces and associated ministries.

24                  (J) An assessment, in a classified annex if  
25                  necessary, of United States military require-

1           ments, including planned force rotations,  
2           through the end of calendar year 2008.

3           SEC. 610. Each amount appropriated or otherwise  
4 made available in this division is designated as an emer-  
5 gency requirement and necessary to meet emergency needs  
6 pursuant to subsections (a) and (b) of section 204 of S. Con.  
7 Res. 21 (110th Congress), the concurrent resolution on the  
8 budget for fiscal year 2008.

9           SEC. 611. None of the funds appropriated or otherwise  
10 made available by this division may be obligated or ex-  
11 pended to provide award fees to any defense contractor for  
12 performance that does not meet the requirements of the con-  
13 tract.

14          SEC. 612. No funds appropriated or otherwise made  
15 available by this division may be used by the Government  
16 of the United States to enter into an agreement with the  
17 Government of Iraq that would subject members of the  
18 Armed Forces of the United States to the jurisdiction of  
19 Iraq criminal courts or punishment under Iraq law.

20          SEC. 613. Notwithstanding any other provision of law,  
21 the Secretary of the Army may reimburse a member for ex-  
22 penses incurred by the member or family member when such  
23 expenses are otherwise not reimbursable under law: Pro-  
24 vided, That such expenses must have been incurred in good  
25 faith as a direct consequence of reasonable preparation for,

1 *or execution of, military orders: Provided further, That re-*  
2 *imbursement under this section shall be allowed only in sit-*  
3 *uations wherein other authorities are insufficient to remedy*  
4 *a hardship determined by the Secretary, and only when the*  
5 *Secretary determines that reimbursement of the expense is*  
6 *in the best interest of the member and the United States.*

7 *SEC. 614. In this division, the term “congressional de-*  
8 *fense committees” means—*

9 *(1) the Committees on Armed Services and Ap-*  
10 *propriations of the Senate; and*

11 *(2) the Committees on Armed Services and Ap-*  
12 *propriations of the House of Representatives.*

13 *SEC. 615. This division may be cited as the “Emer-*  
14 *gency Supplemental Appropriations Act for Defense, 2008”.*

Attest:

*Secretary.*

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2764**

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**SENATE AMENDMENT TO  
HOUSE AMENDMENTS TO  
SENATE AMENDMENT**