

**Calendar No. 484**110TH CONGRESS  
1ST SESSION**S. 2340**

Making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

NOVEMBER 13, 2007

Mr. MCCONNELL (for himself, Mr. STEVENS, and Mr. COCHRAN) introduced the following bill; which was read the first time

NOVEMBER 14, 2007

Read the second time and placed on the calendar

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**A BILL**

Making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 2008.

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$6,158,778,000.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$395,839,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$895,011,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$707,945,000.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$115,150,000.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$35,000,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$7,710,000.

## 1 RESERVE PERSONNEL, AIR FORCE

2 For an additional amount for “Reserve Personnel,  
3 Air Force”, \$1,500,000.

## 4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for “National Guard Per-  
6 sonnel, Army”, \$334,000,000.

## 7 TITLE II

## 8 OPERATION AND MAINTENANCE

## 9 OPERATION AND MAINTENANCE, ARMY

10 For an additional amount for “Operation and Main-  
11 tenance, Army”, \$27,853,000,000.

## 12 OPERATION AND MAINTENANCE, NAVY

## 13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for “Operation and Main-  
15 tenance, Navy”, \$2,664,000,000: *Provided*, That up to  
16 \$98,000,000 shall be transferred to the Coast Guard “Op-  
17 erating Expenses” account.

## 18 OPERATION AND MAINTENANCE, MARINE CORPS

19 For an additional amount for “Operation and Main-  
20 tenance, Marine Corps”, \$2,649,807,000.

## 21 OPERATION AND MAINTENANCE, AIR FORCE

22 For an additional amount for “Operation and Main-  
23 tenance, Air Force”, \$4,778,000,000.

## 1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 For an additional amount for “Operation and Main-  
3 tenance, Defense-Wide”, \$1,836,318,000, of which up to  
4 \$300,000,000, to remain available until expended, may be  
5 used for payments to reimburse Pakistan, Jordan, and  
6 other key cooperating nations, for logistical, military, and  
7 other support provided, or to be provided, to United States  
8 military operations, notwithstanding any other provision  
9 of law: *Provided*, That such payments may be made in  
10 such amounts as the Secretary of Defense, with the con-  
11 currence of the Secretary of State, and in consultation  
12 with the Director of the Office of Management and Budg-  
13 et, may determine, in his discretion, based on documenta-  
14 tion determined by the Secretary of Defense to adequately  
15 account for the support provided, and such determination  
16 is final and conclusive upon the accounting officers of the  
17 United States, and 15 days following notification to the  
18 appropriate congressional committees: *Provided further*,  
19 That the Secretary of Defense shall provide quarterly re-  
20 ports to the congressional defense committees on the use  
21 of funds provided in this paragraph.

## 22 OPERATION AND MAINTENANCE, ARMY RESERVE

23 For an additional amount for “Operation and Main-  
24 tenance, Army Reserve”, \$77,736,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For an additional amount for “Operation and Main-  
3 tenance, Navy Reserve”, \$41,657,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS  
5 RESERVE

6 For an additional amount for “Operation and Main-  
7 tenance, Marine Corps Reserve”, \$46,153,000.

8 OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

9 For an additional amount for “Operation and Main-  
10 tenance, Air Force Reserve”, \$12,133,000.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL  
12 GUARD

13 For an additional amount for “Operation and Main-  
14 tenance, Army National Guard”, \$327,000,000.

15 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

16 For an additional amount for “Operation and Main-  
17 tenance, Air National Guard”, \$51,634,000.

18 IRAQ FREEDOM FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for “Iraq Freedom Fund”,  
21 \$3,747,327,000, to remain available for transfer until  
22 September 30, 2009, only to support operations in Iraq  
23 or Afghanistan: *Provided*, That the Secretary of Defense  
24 may transfer the funds provided herein to appropriations  
25 for military personnel; operation and maintenance; Over-

1 seas Humanitarian, Disaster, and Civic Aid; procurement;  
2 research, development, test and evaluation; and working  
3 capital funds: *Provided further*, That funds transferred  
4 shall be merged with and be available for the same pur-  
5 poses and for the same time period as the appropriation  
6 or fund to which transferred: *Provided further*, That this  
7 transfer authority is in addition to any other transfer au-  
8 thority available to the Department of Defense: *Provided*  
9 *further*, That upon a determination that all or part of the  
10 funds transferred from this appropriation are not nec-  
11 essary for the purposes provided herein, such amounts  
12 may be transferred back to this appropriation: *Provided*  
13 *further*, That the Secretary of Defense shall, not fewer  
14 than 5 days prior to making transfers from this appropria-  
15 tion, notify the congressional defense committees in writ-  
16 ing of the details of any such transfer: *Provided further*,  
17 That the Secretary shall submit a report no later than  
18 30 days after the end of each fiscal quarter to the congres-  
19 sional defense committees summarizing the details of the  
20 transfer of funds from this appropriation.

21 AFGHANISTAN SECURITY FORCES FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For the “Afghanistan Security Forces Fund”,  
24 \$1,350,000,000, to remain available until September 30,  
25 2009: *Provided*, That such funds shall be available to the

1 Secretary of Defense, notwithstanding any other provision  
2 of law, for the purpose of allowing the Commander, Office  
3 of Security Cooperation—Afghanistan, or the Secretary’s  
4 designee, to provide assistance, with the concurrence of  
5 the Secretary of State, to the security forces of Afghani-  
6 stan, including the provision of equipment, supplies, serv-  
7 ices, training, facility and infrastructure repair, renova-  
8 tion, and construction, and funding: *Provided further,*  
9 That the authority to provide assistance under this head-  
10 ing is in addition to any other authority to provide assist-  
11 ance to foreign nations: *Provided further,* That the Sec-  
12 retary of Defense may transfer such funds to appropria-  
13 tions for military personnel; operation and maintenance;  
14 Overseas Humanitarian, Disaster, and Civic Aid; procure-  
15 ment; research, development, test and evaluation; and de-  
16 fense working capital funds to accomplish the purposes  
17 provided herein: *Provided further,* That this transfer au-  
18 thority is in addition to any other transfer authority avail-  
19 able to the Department of Defense: *Provided further,* That  
20 upon a determination that all or part of the funds so  
21 transferred from this appropriation are not necessary for  
22 the purposes provided herein, such amounts may be trans-  
23 ferred back to this appropriation: *Provided further,* That  
24 contributions of funds for the purposes provided herein  
25 from any person, foreign government, or international or-

1 ganization may be credited to this Fund, and used for  
2 such purposes: *Provided further*, That the Secretary shall  
3 notify the congressional defense committees in writing  
4 upon the receipt and upon the transfer of any contribution  
5 delineating the sources and amounts of the funds received  
6 and the specific use of such contributions: *Provided fur-*  
7 *ther*, That the Secretary of Defense shall, not fewer than  
8 five days prior to making transfers from this appropria-  
9 tion account, notify the congressional defense committees  
10 in writing of the details of any such transfer: *Provided*  
11 *further*, That the Secretary shall submit a report no later  
12 than 30 days after the end of each fiscal quarter to the  
13 congressional defense committees summarizing the details  
14 of the transfer of funds from this appropriation.

15 IRAQ SECURITY FORCES FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For the “Iraq Security Forces Fund”,  
18 \$1,500,000,000, to remain available until September 30,  
19 2009: *Provided*, That such funds shall be available to the  
20 Secretary of Defense, notwithstanding any other provision  
21 of law, for the purpose of allowing the Commander, Multi-  
22 National Security Transition Command—Iraq, or the Sec-  
23 retary’s designee, to provide assistance, with the concur-  
24 rence of the Secretary of State, to the security forces of  
25 Iraq, including the provision of equipment, supplies, serv-

1 ices, training, facility and infrastructure repair, renova-  
2 tion, and construction, and funding: *Provided further,*  
3 That the authority to provide assistance under this head-  
4 ing is in addition to any other authority to provide assist-  
5 ance to foreign nations: *Provided further,* That the Sec-  
6 retary of Defense may transfer such funds to appropria-  
7 tions for military personnel; operation and maintenance;  
8 Overseas Humanitarian, Disaster, and Civic Aid; procure-  
9 ment; research, development, test and evaluation; and de-  
10 fense working capital funds to accomplish the purposes  
11 provided herein: *Provided further,* That this transfer au-  
12 thority is in addition to any other transfer authority avail-  
13 able to the Department of Defense: *Provided further,* That  
14 upon a determination that all or part of the funds so  
15 transferred from this appropriation are not necessary for  
16 the purposes provided herein, such amounts may be trans-  
17 ferred back to this appropriation: *Provided further,* That  
18 contributions of funds for the purposes provided herein  
19 from any person, foreign government, or international or-  
20 ganization may be credited to this Fund, and used for  
21 such purposes: *Provided further,* That the Secretary shall  
22 notify the congressional defense committees in writing  
23 upon the receipt and upon the transfer of any contribution  
24 delineating the sources and amounts of the funds received  
25 and the specific use of such contributions: *Provided fur-*

1 *ther*, That the Secretary of Defense shall, not fewer than  
2 five days prior to making transfers from this appropria-  
3 tion account, notify the congressional defense committees  
4 in writing of the details of any such transfer: *Provided*  
5 *further*, That the Secretary shall submit a report no later  
6 than 30 days after the end of each fiscal quarter to the  
7 congressional defense committees summarizing the details  
8 of the transfer of funds 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”, \$2,264,500,000, 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  
15 other provision of law, for the purpose of allowing the Di-  
16 rector of the Joint Improvised Explosive Device Defeat  
17 Organization to investigate, develop and provide equip-  
18 ment, supplies, services, training, facilities, personnel and  
19 funds to assist United States forces in the defeat of impro-  
20 vised explosive devices: *Provided further*, That within 60  
21 days of the enactment of this Act, a plan for the intended  
22 management and use of the Fund is provided to the con-  
23 gressional defense committees: *Provided further*, That the  
24 Secretary of Defense shall submit a report not later than  
25 30 days after the end of each fiscal quarter to the congres-

1 sional defense committees providing assessments of the  
2 evolving threats, individual service requirements to  
3 counter the threats, the current strategy for  
4 predeployment training of members of the Armed Forces  
5 on improvised explosive devices, and details on the execu-  
6 tion of this Fund: *Provided further*, That the Secretary  
7 of Defense may transfer funds provided herein to appro-  
8 priations for military personnel; operation and mainte-  
9 nance; procurement; research, development, test and eval-  
10 uation; and defense working capital funds to accomplish  
11 the purpose provided herein: *Provided further*, That this  
12 transfer authority is in addition to any other transfer au-  
13 thority available to the Department of Defense: *Provided*  
14 *further*, That upon determination that all or part of the  
15 funds so transferred from this appropriation are not nec-  
16 essary for the purpose provided herein, such amounts may  
17 be transferred back to this appropriation: *Provided fur-*  
18 *ther*, That the Secretary of Defense shall, not fewer than  
19 5 days prior to making transfers from this appropriation,  
20 notify the congressional defense committees in writing of  
21 the details of any such transfer.

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, \$1,300,503,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, \$133,621,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT

VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$4,512,566,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$154,000,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, \$2,300,942,000, to remain available for obligation until September 30, 2010.

## 1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,  
3 Navy”, \$45,900,000, 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”, \$159,141,000, 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”, \$140,061,000, to remain available for obligation  
17 until September 30, 2010.

## 18 PROCUREMENT, MARINE CORPS

19 For an additional amount for “Procurement, Marine  
20 Corps”, \$733,550,000, 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”, \$133,500,000, to remain available for obliga-  
25 tion until September 30, 2010.

## 1           PROCUREMENT OF AMMUNITION, AIR FORCE

2           For an additional amount for “Procurement of Am-  
3 munition, Air Force”, \$52,203,000, to remain available  
4 for obligation until September 30, 2010.

## 5           OTHER PROCUREMENT, AIR FORCE

6           For an additional amount for “Other Procurement,  
7 Air Force”, \$199,617,000, to remain available for obliga-  
8 tion until September 30, 2010.

## 9           PROCUREMENT, DEFENSE-WIDE

10          For an additional amount for “Procurement, De-  
11 fense-Wide”, \$274,743,000, to remain available for obliga-  
12 tion until September 30, 2010.

## 13                           TITLE IV

## 14          REVOLVING AND MANAGEMENT FUNDS

## 15                   DEFENSE WORKING CAPITAL FUNDS

16          For an additional amount of “Defense Working Cap-  
17 ital Funds”, \$1,000,000,000, to remain available for obli-  
18 gation until September 30, 2010.

## 19                           TITLE V

## 20          OTHER DEPARTMENT OF DEFENSE PROGRAMS

## 21                   DEFENSE HEALTH PROGRAM

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

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
2 DEFENSE

3 For an additional amount for “Drug Interdiction and  
4 Counter-Drug Activities, Defense”, \$128,809,000.

5 TITLE VI  
6 GENERAL PROVISIONS

7 SEC. 601. Appropriations provided in this Act are  
8 available for obligation until September 30, 2008, unless  
9 otherwise so provided in this Act.

10 SEC. 602. Notwithstanding any other provision of law  
11 or of this Act, funds made available in this Act are in  
12 addition to amounts appropriated or otherwise made avail-  
13 able for the Department of Defense for fiscal year 2008.

14 (TRANSFER OF FUNDS)

15 SEC. 603. Upon the determination of the Secretary  
16 of Defense that such action is necessary in the national  
17 interest, the Secretary may transfer between appropria-  
18 tions up to \$3,000,000,000 of the funds made available  
19 to the Department of Defense in this Act: *Provided*, That  
20 the Secretary shall notify the Congress promptly of each  
21 transfer made pursuant to the authority in this section:  
22 *Provided further*, That the authority provided in this sec-  
23 tion is in addition to any other transfer authority available  
24 to the Department of Defense.

1        SEC. 604. Funds appropriated in this Act, or made  
2 available by the transfer of funds in or pursuant to this  
3 Act, for intelligence activities are deemed to be specifically  
4 authorized by the Congress for purposes of section 504  
5 of the National Security Act of 1947 (50 U.S.C. 414).

6        SEC. 605. None of the funds provided in this Act may  
7 be used to finance programs or activities denied by Con-  
8 gress in fiscal years 2007 or 2008 appropriations to the  
9 Department of Defense or to initiate a procurement or re-  
10 search, development, test and evaluation new start pro-  
11 gram without prior written notification to the congres-  
12 sional defense committees.

13        SEC. 606. (a) AVAILABILITY OF FUNDS FOR  
14 CERP.—From funds made available in this Act to the De-  
15 partment of Defense, not to exceed \$500,000,000 may be  
16 used, notwithstanding any other provision of law, to fund  
17 the Commander's Emergency Response Program, for the  
18 purpose of enabling military commanders in Iraq to re-  
19 spond to urgent humanitarian relief and reconstruction re-  
20 quirements within their areas of responsibility by carrying  
21 out programs that will immediately assist the Iraqi people,  
22 and to fund a similar program to assist the people of Af-  
23 ghanistan.

24        (b) QUARTERLY REPORTS.—Not later than 15 days  
25 after the end of each fiscal year quarter (beginning with

1 the first quarter of fiscal year 2008), the Secretary of De-  
2 fense shall submit to the congressional defense committees  
3 a report regarding the source of funds and the allocation  
4 and use of funds during that quarter that were made  
5 available pursuant to the authority provided in this section  
6 or under any other provision of law for the purposes of  
7 the programs under subsection (a).

8       SEC. 607. During the current fiscal year, funds avail-  
9 able to the Department of Defense for operation and  
10 maintenance may be used, notwithstanding any other pro-  
11 vision of law, to provide supplies, services, transportation,  
12 including airlift and sealift, and other logistical support  
13 to coalition forces supporting military and stability oper-  
14 ations in Iraq and Afghanistan: *Provided*, That the Sec-  
15 retary of Defense shall provide quarterly reports to the  
16 congressional defense committees regarding support pro-  
17 vided under this section.

18       SEC. 608. During fiscal year 2008, supervision and  
19 administration costs associated with projects carried out  
20 with funds appropriated to “Afghanistan Security Forces  
21 Fund” or “Iraq Security Forces Fund” in this Act may  
22 be obligated at the time a construction contract is award-  
23 ed: *Provided*, That for the purpose of this section, super-  
24 vision and administration costs include all in-house Gov-  
25 ernment costs.

1           SEC. 609. (a) REPORTS ON PROGRESS TOWARD STA-  
2 BILITY IN IRAQ.—Not later than 60 days after the date  
3 of the enactment of this Act and every 90 days thereafter  
4 through the end of fiscal year 2008, the Secretary of De-  
5 fense shall set forth in a report to Congress a comprehen-  
6 sive set of performance indicators and measures for  
7 progress toward military and political stability in Iraq.

8           (b) SCOPE OF REPORTS.—Each report shall include  
9 performance standards and goals for security, economic,  
10 and security force training objectives in Iraq together with  
11 a notional timetable for achieving these goals.

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

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

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

19                           (B) The primary indicators of a stable se-  
20 curity environment in Iraq, such as number of  
21 engagements per day, numbers of trained Iraqi  
22 forces, and trends relating to numbers and  
23 types of ethnic and religious-based hostile en-  
24 counters.

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

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

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

14                   (i) unemployment levels;

15                   (ii) electricity, water, and oil produc-  
16 tion rates; and

17                   (iii) hunger and poverty levels.

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

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

23                   (A) The training provided Iraqi military  
24 and other Ministry of Defense forces and the  
25 equipment used by such forces.

1 (B) Key criteria for assessing the capabili-  
2 ties and readiness of the Iraqi military and  
3 other Ministry of Defense forces, goals for  
4 achieving certain capability and readiness levels  
5 (as well as for recruiting, training, and equip-  
6 ping these forces), and the milestones and no-  
7 tional timetable for achieving these goals.

8 (C) The operational readiness status of the  
9 Iraqi military forces, including the type, num-  
10 ber, size, and organizational structure of Iraqi  
11 battalions that are—

12 (i) capable of conducting  
13 counterinsurgency operations independ-  
14 ently;

15 (ii) capable of conducting  
16 counterinsurgency operations with the sup-  
17 port of United States or coalition forces; or

18 (iii) not ready to conduct  
19 counterinsurgency operations.

20 (D) The rates of absenteeism in the Iraqi  
21 military forces and the extent to which insur-  
22 gents have infiltrated such forces.

23 (E) The training provided Iraqi police and  
24 other Ministry of Interior forces and the equip-  
25 ment used by such forces.

1 (F) 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; and

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

1           (G) The estimated total number of Iraqi  
2           battalions needed for the Iraqi security forces  
3           to perform duties now being undertaken by coa-  
4           lition forces, including defending the borders of  
5           Iraq and providing adequate levels of law and  
6           order throughout Iraq.

7           (H) The effectiveness of the Iraqi military  
8           and police officer cadres and the chain of com-  
9           mand.

10          (I) The number of United States and coali-  
11          tion advisors needed to support the Iraqi secu-  
12          rity forces and associated ministries.

13          (J) An assessment, in a classified annex if  
14          necessary, of United States military require-  
15          ments, including planned force rotations,  
16          through the end of calendar year 2008.

17          SEC. 610. Each amount appropriated or otherwise  
18          made available in this Act is designated as an emergency  
19          requirement and necessary to meet emergency needs pur-  
20          suant to subsections (a) and (b) of section 204 of S. Con.  
21          Res. 21 (110th Congress), the concurrent resolution on  
22          the budget for fiscal year 2008.

23          SEC. 611. None of the funds appropriated or other-  
24          wise made available by this Act may be obligated or ex-  
25          pended to provide award fees to any defense contractor

1 for performance that does not meet the requirements of  
2 the contract.

3       SEC. 612. No funds appropriated or otherwise made  
4 available by this Act may be used by the Government of  
5 the United States to enter into an agreement with the  
6 Government of Iraq that would subject members of the  
7 Armed Forces of the United States to the jurisdiction of  
8 Iraq criminal courts or punishment under Iraq law.

9       SEC. 613. Notwithstanding any other provision of  
10 law, the Secretary of the Army may reimburse a member  
11 for expenses incurred by the member or family member  
12 when such expenses are otherwise not reimbursable under  
13 law: *Provided*, That such expenses must have been in-  
14 curred in good faith as a direct consequence of reasonable  
15 preparation for, or execution of, military orders: *Provided*  
16 *further*, That reimbursement under this section shall be  
17 allowed only in situations wherein other authorities are in-  
18 sufficient to remedy a hardship determined by the Sec-  
19 retary, and only when the Secretary determines that reim-  
20 bursement of the expense is in the best interest of the  
21 member and the United States.

22       SEC. 614. In this Act, the term “congressional de-  
23 fense committees” means—

24               (1) the Committees on Armed Services and Ap-  
25               propriations of the Senate; and

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

3           SEC. 615. This Act may be cited as the “Emergency  
4           Supplemental Appropriations Act for Defense, 2008”.



Calendar No. 484

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 2340**

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## **A BILL**

Making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

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NOVEMBER 14, 2007

Read the second time and placed on the calendar