over which that insurance is applied but expanding those pools even more by bringing in the 47 million uninsured.

The bill emphasizes prevention to improve the health of Americans. It certainly improves their access to care, once they get sick, and also access to care by giving them preventive incentives to go in and do the kind of things with medical advice before they would ever get sick in the first place.

There are things in the bill that, as we continue to discuss it, certainly I wish to see. I wish to make absolutely sure that those currently covered under the Children's Health Insurance Program, which would be folded into this, as well as Medicaid, which would be folded into the program, I wish to make sure they receive affordable insurance of quality comparable to or better than what they currently receive. There are other concerns that will come up from time to time.

There is no one who has filed this legislation who thinks it is going to be enacted or seriously taken up this year, but there has to be a starting point. A great responsibility will rest on the shoulders of the next President because the American people are not only crying out for health care reform, they are demanding it. Because the cost of that health care is extending beyond their reach, it is incumbent upon us to be visionary and creative. It is certainly incumbent upon the next President to be visionary and creative and cooperative, cooperative with the Congress so we can forge a solution to help America solve her health insurance problem.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN ASSOCIATION OF INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Mr. DURBIN. Madam President, I am pleased today to join the Illinois chapter of the American Association of Intellectual & Developmental Disabilities in recognizing recipients of the 2008 Direct Service Professional Award. The recipients are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These awardees have displayed humanity and professionalism in their work. They are an inspiration to the people they work with every day, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than half of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers providing care for people with special needs. They do their work every day with little public recognition, providing assistance that is unknown and unnoticed except to the people they spend their days with.

It is my honor and privilege to recognize the Illinois recipients of AAIDD's 2008 Direct Service Professional Award: Robin Armond, Terry Ber, Vanessa Bradley, Debora Buchanan, Betty Carr, Eleanor Dewhart, Dawn Elliot, Barrett Girad, Jeri Von Holten, Cindy Jennings, Leonard Maniece, Adam Mize, Pat Murphy, Janet Newlin, Melissa Parnell, Hilary Pacha, Rhonda Risley, Sharon Watson, Denise Williams, Kimberly Woosley, and Delia Zavala.

I know my fellow Senators will join me in congratulating the winners of the 2008 Direct Service Professional Award. I commend their dedication and join the AAIDD in thanking them for their service.

SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Madam President, I ask unanimous consent to have printed in the RECORD an explanatory statement approved by the Committee on Appropriations accompanying three amendments to the House amendments to the Senate amendment to H.R. 2642, concerning emergency supplemental appropriations for fiscal years 2008–2009, which the Committee on Appropriations authorized the chairman to offer on behalf of the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR ROBERT C. BYRD, CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS, REGARDING THE 2008 SUPPLEMENTAL APPROPRIATIONS AMENDMENTS TO AMENDMENTS OF THE HOUSE OF REPRESENTATIVES TO THE SENATE AMENDMENT TO H.R. 2642

Following is an explanation of the committee authorized amendments of the Senate to the amendments of the House to the amendment of the Senate to H.R. 2642, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, including disclosure of congressionally directed spending items as defined in rule XLIV of the Standing Rules of the Senate.

Section 10008 of the Senate amendment specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this Supplemental Appropriations Act as if it were a report by the Committee on Appropriations to accompany a bill reported to the Senate from that Committee.

BACKGROUND

PURPOSE OF THE BILL

The Committee recommendations address the President's requests contained in the 2008 Budget Appendix, transmitted on February 5, 2007 (H. Doc. 110–3), budget estimate No. 5, transmitted on July 31, 2007 (H. Doc. 110–54), and budget estimate No. 6, transmitted on October 23, 2007 (H. Doc. 110–68). The recommendations also address the following estimates submitted this year: the 2009 Budget Appendix, transmitted on February 4, 2008 (H. Doc. 110–84), and budget estimate No. 6, transmitted on May 2, 2008 (H. Doc. 110–108).

The Committee recommends three amendments to be offered in response to the amendments of the House to the amendment of the Senate to the bill H.R. 2642, 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. H.R. 2642 is the bill chosen by the House to address the President's supplemental requests for 2008 and to address ''bridge'' funding for 2009 overseas deployments and other contingencies, including military operations in Afghanistan and Iraq.

AMENDMENT #1

TITLE I

MILITARY CONSTRUCTION, INTERNATIONAL, AND OTHER SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

2008 appropriation to date	$1,210,864,000
Supplemental estimate:	
2008	350,000,000
2009	395,000,000
Committee recommendation:	
2008	850,000,000
2009	395,000,000

The Committee recommends a total of $850,000,000, to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The Committee provides $350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the Committee provides an additional $500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the Committee provides a total of $395,000,000, as requested, to be made available beginning October 1, 2008.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF THE INSPECTOR GENERAL

2008 appropriation to date	$70,603,000
2008 supplemental estimate	
Committee recommendation	4,000,000

The Committee recommends $4,000,000 for the Inspector General to continue reviewing the Federal Bureau of Investigation's use of National Security Letters [NSL] and section 215 orders for business records.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

2008 appropriation to date	$745,549,000
2008 supplemental estimate	4,093,000
Committee recommendation	1,648,000

The Committee recommends $1,648,000 to provide litigation support services for the Special Inspector General for Iraqi reconstruction to investigate and prosecute corruption in reconstruction efforts.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2008 appropriation to date	$1,754,822,000

2008 supplemental estimate	5,000,000
Committee recommendation	5,000,000

The Committee recommends $5,000,000 for the U.S. Attorneys for litigation expenses associated with terrorism prosecutions in the United States.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

2008 appropriation to date	$864,219,000
2008 supplemental estimate	14,921,000
Committee recommendation	18,621,000

The Committee recommends $18,621,000 for the United States Marshals Service. Of the funds provided, $7,951,000 is for U.S. Marshals to provide enhanced security at high-threat terrorist trials in the United States: $3,700,000 is to provide increased court and witness security in Afghanistan Court Security and Witness Security programs, protective equipment and training for U.S. Marshals, and assist with the extradition of individuals who finance terrorism through the illegal sale of opium and heroin; and $6,970,000 is for Adam Walsh Act enforcement.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

2008 appropriation to date	$6,493,489,000
Supplemental estimate:	
2008	101,122,000
2009	39,062,000
Committee recommendation:	
2008	164,965,000
2009	82,600,000

The Committee recommends $164,965,000 for the Federal Bureau of Investigation [FBI].

Counterterrorism Operations.—The recommendation includes $139,965,000 to support counterterrorism and counter-proliferation activities and equipment, terrorism intelligence gathering efforts, and law enforcement training in Iraq and Afghanistan. The recommendation also supports the Render Safe Mission to prevent and dismantle Weapons of Mass Destruction [WMD] on U.S. soil; for IED initiatives, including bomb technician equipment and Hazardous Devices School secure training; and National Security Letter audits.

Forensics Backlog.—The recommendation includes $20,000,000 for FBI labs to reduce forensics backlogs caused by the dramatic increase in Improvised Explosive Device [IED] evidence and other forensics evidence from battlefield operations in Iraq and Afghanistan.

Fraud Investigations.—The recommendation includes $5,000,000 to increase the FBI's capacity to investigate contract fraud related to U.S. operations in Iraq and Afghanistan.

Fiscal Year 2009 Bridge.—The recommendation includes $82,600,000 in bridge funding for the FBI to maintain the operations described above for the first 6 months of fiscal year 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

2008 appropriation to date	$1,857,569,000
2008 supplemental estimate	8,468,000
Committee recommendation	22,666,000

The recommendation includes $22,666,000 for the Drug Enforcement Administration to further its narco-terrorism initiative and Operation Breakthrough, to conduct financial investigations and to support intelligence activities, such as signals intelligence, to assist the Government of Afghanistan's counter-narcotics and narco-terrorism programs.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

2008 appropriation to date	$984,097,000
2008 supplemental estimate	4,000,000
Committee recommendation	4,000,000

The Committee recommends $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives to support the ATF's role in the global war on terror in Iraq and Afghanistan, where ATF agents provide technical assistance to the military in identifying and dismantling IEDs.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

2008 appropriation to date	$5,050,440,000
2008 supplemental estimate	9,100,000
Committee recommendation	9,100,000

The Committee recommends $9,100,000 for the Bureau of Prisons to monitor communications of incarcerated terrorists, collect intelligence, and disseminate relevant intelligence to other law enforcement agencies.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

OVERVIEW

The administration's request for fiscal year 2008 emergency supplemental funding for military construction associated with the wars in Iraq and Afghanistan encompasses a wide range of initiatives both in the Central Command [CENTCOM] Area of Responsibility and within the United States. Several of these requests, including additional funding for child development center construction at U.S. military installations and funding for the construction of Counter-Improvised Explosive Devices [CIED] training ranges at U.S. bases, were not included in the President's October 2007 supplemental budget amendment, but were subsequently proposed by the administration. Although not part of the official budget request, and therefore not reflected as such in the tables accompanying this report, the Committee finds merit in many of the proposals and has recommended funding for them.

Iraq and Afghanistan.—The administration's request for military construction funding in Iraq, Afghanistan, and other locations in the Central Command Area of Responsibility totals $1,590,950,000, of which $976,150,000—61 percent—is for construction in Iraq alone.

Given the pressing need for infrastructure investment within the United States, the Committee has closely examined the entire CENTCOM construction request, with particular attention to Iraq. The Committee is mindful of the ongoing operational requirements and continued security concerns facing U.S. military personnel in Iraq, and has recommended funding for projects that reflect these priorities. With the exception of funding for certain items, such as landfills and incinerators, intended to expedite the closure of U.S. bases in Iraq, the Committee has continued to limit military construction funding to those bases in Iraq that are intended to be enduring locations.

The Committee remains strongly opposed to the permanent basing of U.S. military forces in Iraq, and has again included bill language prohibiting the obligation of funds appropriated for military construction in Iraq until the Secretary of Defense certifies to the Committee that none of the funds are to be used to establish permanent military bases in Iraq. The Committee is also concerned with the impact that a future Status of Forces Agreement with Iraq could have on the current strategic plans and associated construction program to consolidate U.S. forces in Iraq into eight enduring locations. In an effort to provide a blueprint on which to establish a basing agreement, the Secretary of Defense is directed to provide to the Committee, no later than 30 days after enactment of this act, an updated Master Plan for U.S. basing in Iraq, including an inventory of installations that have been closed; those that are scheduled to close and the timeline for their closure; and a finite list of enduring locations describing the mission, military construction requirements, and projected U.S. military population of these locations.

Child Development Center Initiative.—Recognizing the importance of quality child care resources for military families, the Committee has been very supportive of accelerating the construction of child development centers on military installations. In the Fiscal Year 2008 Military Construction, Veterans Affairs and Related Agencies Appropriations Act, Congress added more than $100,000,000 over the President's budget request to fund 13 additional child development centers at U.S. military bases. The Committee, therefore, supports the Department's proposal to use emergency supplemental funding to advance the construction of 20 child development centers currently programmed for construction in fiscal years 2010 and 2011. The Committee further recommends that the 11 child development centers included in the President's fiscal year 2009 budget request also be advanced into the supplemental funding bill to ensure that the most urgently needed centers are among the first to be funded.

Army Barracks Improvements.—The Committee is deeply concerned about the deplorable conditions that have been uncovered in some permanent party Army barracks, including those which house soldiers returning from the wars in Iraq and Afghanistan. The Army created a Permanent Party Barracks Modernization Program in 1994 to eliminate inadequate barracks. However, this program is not projected to be completed until 2013. Given this timeline, it is unacceptable that the Army has allowed existing permanent party barracks to fall into such abject disrepair. This is not the way the Committee expects the Army to treat its soldiers returning from combat. While many of the repairs and upgrades to existing barracks can be accomplished with Sustainment, Restoration, and Modernization [SRM] funds, the Committee believes that additional Military Construction funds should be allocated to address urgent major renovations and barracks upgrades. The Committee therefore recommends an appropriation of $200,000,000 for the Army to undertake major improvements to existing barracks and accelerate the construction of new barracks. The funding is provided subject to the development of an expenditure plan to be submitted to the Committees on Appropriations of both Houses of Congress.

MILITARY CONSTRUCTION, ARMY

2008 appropriation to date	$3,927,893,000
2008 supplemental estimate	1,440,750,000
Committee recommendation	1,170,200,000

The Committee recommends $1,170,200,000 for Military Construction, Army, instead of $1,440,750,000 as requested. In addition to funding projects directly in support of the wars in Iraq and Afghanistan, the recommendation includes $137,200,000, to remain available until September 30, 2012, for the construction of 15 child development centers at U.S. Army installations as proposed by the administration. Funds for Military Construction, Army, are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
Alaska: Fort Wainwright	Child Development Center		17,000	Administration
California: Fort Irwin	Child Development Center		11,800	Administration
Colorado: Fort Carson	Soldier Family Assistance Center	8,100	8,100	The President
Colorado: Fort Carson	Child Development Center		8,400	Administration
Georgia: Fort Gordon	Child Development Center		7,800	Administration
Georgia: Fort Stewart	Soldier Family Assistance Center	6,000	6,000	The President
Hawaii: Schofield Barracks	Child Development Center		12,500	Administration
Kansas: Fort Riley	Transitioning Warrior Support Complex	50,000	50,000	The President
Kentucky: Fort Campbell	Soldier Family Assistance Center	7,400	7,400	The President
Kentucky: Fort Campbell	Child Development Center		9,900	Administration
Kentucky: Fort Knox	Child Development Center		7,400	Administration
Louisiana: Fort Polk	Soldier Family Assistance Center	4,900	4,900	The President
New York: Fort Drum	Warrior in Transition Facilities	38,000	38,000	The President
North Carolina: Fort Bragg	Child Development Center		8,500	Administration
Oklahoma: Fort Sill	Child Development Center		9,000	Administration
Texas: Fort Bliss	Child Development Center		5,700	Administration
Texas: Fort Bliss	Child Development Center		5,900	Administration
Texas: Fort Bliss	Child Development Center		5,700	Administration
Texas: Fort Hood	Warrior in Transition Unit Operations Facilities	9,100	9,100	The President
Texas: Fort Hood	Child Development Center		7,200	Administration
Texas: Fort Sam Houston	Child Development Center		7,000	Administration
Virginia: Fort Lee	Child Development Center		7,400	Administration
Afghanistan: Bagram Air Base	New Roads, Bagram Airfield	27,000	27,000	The President
Afghanistan: Bagram Air Base	Ammunition Supply Point	62,000	62,000	The President
Afghanistan: Bagram Air Base	Power Plant	41,000	41,000	The President
Afghanistan: Bagram Air Base	Bulk Fuel Storage & Supply, Ph 3	23,000	23,000	The President
Afghanistan: Bagram Air Base	Bulk Fuel Storage & Supply, Ph 4	21,000	21,000	The President
Afghanistan: Bagram Air Base	CIED Road—Rte Alaska	16,500	16,500	The President
Afghanistan: Bagram Air Base	Aircraft Maintenance Hangar	5,100	5,100	The President
Afghanistan: Ghazni	Rotary Wing Parking	5,000	5,000	The President
Afghanistan: Kabul	Consolidated Compound	36,000	36,000	The President
Afghanistan: Various Locations	CIED Road—Rte Connecticut	54,000	54,000	The President
Iraq: Camp Adder	Power Plant	39,000		The President
Iraq: Camp Adder	Petro Oil & Lubricant Storage	10,000	10,000	The President
Iraq: Camp Adder	Waste Water Treatment & Collection	9,800	9,800	The President
Iraq: Camp Adder	Multi Class Storage Warehouse	17,000		The President
Iraq: Camp Adder	Entry Control Point	4,850		The President
Iraq: Camp Adder	Convoy Support Center Relocation, Ph 2	39,000	39,000	The President
Iraq: Camp Adder	CORP Support Center Phase 3		13,200	Administration
Iraq: Al Asad	Power Plant	40,000		The President
Iraq: Al Asad	Landfill Construction	3,100	3,100	The President
Iraq: Al Asad	Urban Bypass Road	43,000	43,000	The President
Iraq: Al Asad	Hot Cargo Ramp	18,500	18,500	The President
Iraq: Al Asad	South Airfield Apron (India Ramp)	28,000	28,000	The President
Iraq: Camp Anaconda	Landfill Construction	6,200	6,200	The President
Iraq: Camp Anaconda	Power Plant	39,000		The President
Iraq: Camp Anaconda	Urban Bypass Road	43,000		The President
Iraq: Camp Anaconda	Hazardous Waste Incinerator	4,300	4,300	The President
Iraq: Camp Constitution	Juvenile Theater Internment Facility	11,700	11,700	The President
Iraq: Camp Cropper	Brick Factory	9,500	9,500	The President
Iraq: Fallujah	Landfill Construction	880	880	The President
Iraq: Fallujah	Incinerators		5,500	Administration
Iraq: Camp Marez	Landfill Construction	880	880	The President
Iraq: Mosul	Urban Bypass Road	43,000	43,000	The President
Iraq: Q-West	Power Plant	26,000		Administration
Iraq: Q-West	North Entry Control Point	11,400	11,400	The President
Iraq: Q-West	Perimeter Security Upgrade	14,600	14,600	The President
Iraq: Camp Ramadi	Landfill Construction	880	880	The President
Iraq: Camp Ramadi	Incinerator		6,200	Administration
Iraq: Scania	Entry Control Point	5,000	5,000	The President
Iraq: Scania	Water Storage Tanks	9,200	9,200	The President
Iraq: Camp Speicher	Military Control Point	5,800	5,800	The President
Iraq: Camp Speicher	Power Plant	39,000		The President
Iraq: Camp Speicher	Landfill Construction	5,900	5,900	The President
Iraq: Camp Speicher	Waste Water Treatment & Collection	9,800		The President
Iraq: Camp Speicher	Rotary Wing Parking Apron	49,000		The President
Iraq: Camp Speicher	Aviation Navigation Facilities	13,400	13,400	The President
Iraq: Camp Taqqadum	Landfill Construction	880	880	The President
Iraq: Tikrit	Urban Bypass Road	43,000		The President
Iraq: Camp Victory	Landfill Construction	6,200	6,200	The President
Iraq: Camp Victory	Entry Control Point	5,000		The President
Iraq: Camp Victory	Level 3 Hospital	13,400	13,400	The President
Iraq: Camp Victory	Waste Water Treatment & Collection	9,800	9,800	The President
Iraq: Camp Victory	Water Supply, Treatment & Storage, Ph 3	13,000	13,000	The President
Iraq: Camp Victory	Water Treatment & Storage, Ph 2	18,000	18,000	The President
Iraq: Camp Warrior	Landfill Construction	880	880	The President
Iraq: Various Locations	Facilities Replacement, Phase I	36,000		The President
Iraq: Various Locations	Facilities Replacement, Phase II	36,000		The President
Iraq: Various Locations	Overhead Cover	30,000	30,000	The President
Iraq: Various Locations	Overhead Cover, Ph 4	105,000	105,000	The President
Kuwait: Camp Arifjan	Communications Center	30,000	30,000	The President
Worldwide: Various Locations	Planning & Design	78,800	78,800	The President
TOTAL		1,440,750	1,170,200	

Various Locations, Iraq.—The Army requested a total of $183,000,000 for construction of five powerplants in Iraq which the congressional defense authorizing committees declined to authorize in Public Law 110–181, the National Defense Authorization Act for Fiscal Year 2008. The Committee endorses the position of the authorizers, that the construction of powerplants at these locations is premature and of primarily long-term benefit, and does not recommend funding for them. The Committee also recommends no funding for several additional Army requests for Iraq, including a warehouse and helicopter parking apron at Camp Speicher, totaling $66,000,000, and $72,000,000 for several projects, including a gym, dining hall, base exchange, and housing units, intended to upgrade Camp Delta in southeastern Iraq to an enduring Contingency Operating Base [COB]. The Committee questions the justification for increasing the number of enduring U.S. military bases in Iraq from eight to nine at a time when the goal of U.S. military and administration officials is to reduce the level of U.S. troops in Iraq as security conditions permit. The Committee also notes that the original description of the request, included in the February 4, 2007, budget submission, was for Facilities Replacements at various existing COBs, and it was not until May 5, 2008, that the Central Command provided Congress with the revised justification data for projects requested to establish a new COB. Based on the process, assumptions, and justification data on which these requests are based, the Committee believes they are premature and do not meet the standard of urgent requirements.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

2008 appropriation to date	$2,187,837,000
2008 supplemental estimate	237,505,000
Committee recommendation	300,084,000

The Committee recommends $300,084,000 for Military Construction, Navy and Marine Corps, instead of $237,505,000 as requested. The recommendation includes $29,299,000, to remain available until September 30, 2012, for the construction of two child development

centers at U.S. Navy and Marine Corps installations, as proposed by the administration. Funds for Military Construction, Navy and Marine Corps, are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
California: China Lake	JIEDDO Battle Courses		7,210	Administration
California: Camp Pendleton	Armory—5th Marine Regiment	10,890	10,890	The President
California: Camp Pendleton	Bachelor Quarters & Armory	34,970	34,970	The President
California: Camp Pendleton	Bachelor Quarters & Dining Facility	24,390	24,390	The President
California: Camp Pendleton	Company Headquarters—Military Police	8,240	8,240	The President
California: Camp Pendleton	Explosive Ordinance Detachment—Ops	13,090	13,090	The President
California: Camp Pendleton	Intelligence Surveillance Reconnaissance	1,114	1,114	The President
California: Camp Pendleton	Armory—Regimental & Battalion HQ	5,160	5,160	The President
California: Camp Pendleton	Armory—Intelligence Battalion	4,180	4,180	The President
California: Camp Pendleton	JIEDDO Battle Courses		9,270	Administration
California: Point Mugu	JIEDDO Battle Courses		7,250	Administration
California: San Diego	Child Development Center		12,299	Administration
California: Twentynine Palms	Regimental Headquarters Addition	4,440	4,440	The President
California: Twentynine Palms	JIEDDO Battle Courses		11,250	Administration
Florida: Eglin AFB	JIEDDO Battle Course Additions		780	Administration
Mississippi: Gulfport	JIEDDO Battle Courses		6,570	Administration
North Carolina: Camp LeJeune	Maintenance/Operations Complex 2	43,340	43,340	The President
North Carolina: Camp LeJeune	JIEDDO Battle Courses		11,980	Administration
North Carolina: Camp LeJeune	Child Development Center		16,000	Administration
Virginia: Yorktown	JIEDDO Battle Courses		8,070	Administration
Djibouti: Camp Lemonier	Network Infrastructure Expansion	6,270	6,270	The President
Djibouti: Camp Lemonier	Dining Facility	20,780		The President
Djibouti: Camp Lemonier	Headquarters Facility	29,710		The President
Djibouti: Camp Lemonier	Water Production	19,140	19,140	The President
Djibouti: Camp Lemonier	Full Length Taxiway		15,490	Administration
Djibouti: Camp Lemonier	Fuel Farm		4,000	Administration
Djibouti: Camp Lemonier	Western Taxiway		2,900	Administration
Worldwide: Various Locations	Planning & Design	11,791	11,791	The President
TOTAL		237,505	300,084	

Camp Lemonier, Djibouti.—In accordance with the action of the congressional defense authorizing committees, and in keeping with concerns the Committee has expressed in the past regarding uncertainty over the future role of Camp Lemonier in the Africa Command [AFRICOM], the Committee does not recommend funding two projects at Camp Lemonier requested by the Navy, including a permanent construction dining facility and headquarters building, totaling $50,549,000. However, the Committee recognizes that basic utility and operational ground infrastructure is required to execute the current expeditionary mission at Camp Lemonier, and therefore recommends funding three projects that were authorized but not funded in the regular fiscal year 2008 military construction appropriations act. These projects include two taxiways and a fuel farm totaling $22,290,000.

MILITARY CONSTRUCTION, AIR FORCE

2008 appropriation to date	$1,149,277,000
2008 supplemental estimate	305,000,000
Committee recommendation	361,900,000

The Committee recommends $361,900,000 for Military Construction, Air Force, instead of $305,000,000 as requested. The recommendation includes $37,600,000, to remain available until September 30, 2012, for the construction of three child development centers at U.S. Air Force installations, as proposed by the administration. Funds for Military Construction, Air Force, are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
California: Beale AFB	Child Development Center		17,600	Administration
Florida: Eglin AFB	Child Development Center		11,000	Administration
New Jersey: McGuire AFB	JIEDDO Training Facility		6,200	Administration
New Mexico: Cannon AFB	Child Development Center		8,000	Administration
Afghanistan: Bagram Air Base	Strategic Ramp	43,000	43,000	The President
Afghanistan: Bagram Air Base	Parallel Taxiway, Phase II	21,400	21,400	The President
Afghanistan: Bagram Air Base	East Side Helo Ramp	44,400	44,400	The President
Afghanistan: Kandahar	ISR Ramp	26,300	26,300	The President
Iraq: Balad Air Base	Helicopter Maintenance Facilities	34,600	34,600	The President
Iraq: Balad Air Base	Foxtrot Taxiway	12,700	12,700	The President
Iraq: Balad Air Base	Fighter Ramp	11,000	11,000	The President
Kyrgyzstan: Manas Air Base	Strategic Ramp	30,300	30,300	The President
Oman: Masirah Air Base	Expeditionary Beddown Site	6,300		The President
Qatar: Al Udeid	Facilities Replacement	40,000		The President
Qatar: Al Udeid	Close Air Support Parking Apron		60,400	Administration
Worldwide: Various Locations	Planning & Design	35,000	35,000	The President
TOTAL		305,000	361,900	

Masirah Air Base, Oman, and Al Udeid, Qatar.—The Committee does not recommend funding for two projects requested by the Air Force, including $6,300,000 for an expeditionary beddown site at Masirah Air Base and $40,000,000 for facilities replacement at Al Udeid. These were among the projects that the congressional defense authorizing committees did not authorize in the 2008 National Defense Authorization Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

2008 appropriation to date	$1,599,404,000
2008 supplemental estimate	27,600,000
Committee recommendation	27,600,000

The Committee recommends $27,600,000 for Military Construction, Defense-Wide, as requested. The funds are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
Qatar: Al Udeid	Special Operations Forces Logistics Storage Warehouse	6,600	6,600	The President
Texas: Fort Sam Houston	TRICARE Management Activity, Burn Rehab Unit	21,000	21,000	The President
TOTAL		27,600	27,600	

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

2008 appropriation to date	$293,129,000
2008 supplemental estimate	11,766,000
Committee recommendation	11,766,000

The Committee recommends $11,766,000 for Family Housing Construction, Navy and Marine Corps, as requested. The funds are provided as follows:

[In thousands of dollars]

Installation	Project title	Budget request	Committee recommendation	Requested by
California: Camp Pendleton	Family Housing Improvements	10,692	10,692	The President
California: Twentynine Palms	Family Housing Improvements	1,074	1,074	The President
TOTAL		11,766	11,766	

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

2008 appropriation to date	$7,235,591,000
2008 supplemental estimate	415,910,000
Committee recommendation	1,202,886,000

The Committee recommends $1,202,886,000 for the Department of Defense Base Closure Account 2005, instead of $415,910,000 as requested. The funds include $415,910,000 to expedite construction of the Walter Reed National Military Medical Center at Bethesda Naval Hospital, Maryland. The Committee recommends an additional $786,976,000 for the Base Closure Account 2005. This amount, along with the $7,235,591,000 appropriated in Public Law 110–161, fully funds the construction requirements included in the administration's base closure request for fiscal year 2008.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

2008 appropriation to date	$1,605,000,000
2008 supplemental estimate	
Committee recommendation	100,000,000

The Committee recommendation includes $100,000,000 for the Education Service at the Veterans Benefits Administration for new administrative costs associated with the Post-9/11 Veterans' Educational Assistance Act of 2008.

INFORMATION TECHNOLOGY SYSTEMS

2008 appropriation to date	$1,966,465,000
2008 supplemental estimate	
Committee recommendation	20,000,000

The Committee recommendation includes $20,000,000 for modernization and enhancements of information technology systems related to the administration of the Post-9/11 Veterans' Educational Assistance Act of 2008.

CONSTRUCTION, MAJOR PROJECTS

2008 appropriation to date	$1,069,100,000
2008 supplemental estimate	
Committee recommendation	437,100,000

The Committee recommendation includes $437,100,000 for Construction, Major Projects, for the Department of Veterans Affairs [VA].

Polytrauma Center Initiative.—The nature of combat in Iraq and Afghanistan has resulted in new patterns of polytraumatic injuries and disabilities requiring specialized intensive rehabilitation and high coordination of care. The VA health care system, through its polytrauma network, continues to provide significant expertise in the treatment and rehabilitation of both active duty and separated Operation Enduring Freedom and Operation Iraqi Freedom veterans suffering from polytraumatic injuries. Operating under a national memorandum of agreement with the Department of Defense [DOD], VA polytrauma rehabilitation centers have provided treatment and rehabilitation care to severely injured combat personnel requiring polytrauma inpatient rehabilitation.

The Department of Veterans Affairs currently operates four Level 1 polytrauma rehabilitation centers within existing VA hospital facilities. In fiscal year 2007, Congress provided emergency funding for the VA to establish a fifth Level 1 polytrauma rehabilitation center. The care that the VA is providing military personnel wounded in combat is exceptional. However, space in the existing facilities is generally inadequate, with cramped quarters and treatment facilities scattered throughout hospital campuses. These inefficiencies are particularly difficult for patients with mobility issues, compromised immune systems, and those suffering from psychological wounds. In an effort to accelerate the VA's planned expansion and consolidation of polytrauma rehabilitation centers on existing hospital campuses as outlined in the department's February 2008 Five Year Capital Plan, the Committee recommends providing $437,100,000 to fully fund the design and construction of these crucial projects.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Provides an additional appropriation to Military Construction, Army, for the acceleration and completion of child development center construction.

SEC. 1302. Provides an additional appropriation to Military Construction, Navy and Marine Corps, for the acceleration and completion of child development center construction.

SEC. 1303. Provides an additional appropriation to Military Construction, Air Force, for the acceleration and completion of child development center construction.

SEC. 1304. Provides an additional appropriation to Military Construction, Army, for the acceleration of barracks improvements at Department of the Army installations.

SEC. 1305. Prohibits the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

INTRODUCTION

The budget request totals $6,547,408,000 in emergency supplemental funds for fiscal year 2008, and the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) provided $1,473,800,000 for immediate requirements. The Committee recommendation for Department of State and Foreign Operations totals $5,254,608,000, which is $181,000,000 above the pending budget request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

2008 appropriation to date	$5,322,719,000
2008 supplemental estimate	1,708,008,000
Committee recommendation	1,413,700,000

The budget request included $2,283,008,000 for Diplomatic and Consular Programs, of which $575,000,000 was appropriated in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for operations and security at the United States Embassy in Iraq.

The Committee recommends an additional $1,413,700,000 for Diplomatic and Consular Programs, which is $294,308,000 below the pending request. Within the amount provided, $212,400,000 is for worldwide security protection. Funds for diplomatic and consular programs are to be allocated as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

[In thousands of dollars]

Activitiy	Pending request	Committee recommendation	Change from request
Iraq Diplomatic Operations	1,545,608	1,095,000	−450,608
Afghanistan—Operations and Worldwide Security Protection	162,400	195,200	+32,800
Pakistan—Operations		7,500	+7,500
Tibet		5,000	+5,000
Western Hemisphere Travel Initiative		1,000	+1,000
Worldwide Security Protection		50,000	+50,000
Civilian Workforce Initiative		60,000	+60,000
Public Diplomacy		5,000	+5,000
Total, Diplomatic and Consular Programs	1,708,008	1,413,700	−294,308

Afghanistan.—The Committee recommends $195,200,000, which is $32,800,000 above the request, for necessary expenses for diplomatic and security operations in Afghanistan. Of this amount, $162,400,000 is for enhanced security operations, including additional high threat protection teams, increased overhead cover and physical security measures, replacement of armored vehicles, and local guard service. In addition, $14,000,000 is for the establishment of a Department of State-managed air transport capability in Afghanistan for Department of State and United States Agency for International Development [USAID] personnel, primarily for medical evacuation and other security-related operations. Finally, $18,800,000 is for support of operations and personnel for Provincial Reconstruction Teams [PRTs] in Afghanistan.

Iraq.—The Committee recommends $1,095,000,000 for the diplomatic and security operations of the United States Embassy in Iraq, which is $450,608,000 below the pending request. The cost of operations of the United

States Embassy in Iraq totals $2,086,000,000 for fiscal year 2008 including $1,095,000,000 provided in this act, $575,000,000 provided as bridge funding in Public Law 110–161 and $416,000,000 in funds carried over from prior year appropriations. Of this amount, nearly $900,000,000 is for supporting security requirements for diplomatic and development personnel in Iraq.

The Committee provides funding for Embassy operations, security, logistics support, information technology and operations of PRTs. Congress has provided an additional $196,543,000 since fiscal year 2006 for additional facilities requirements identified by the Department of State, as follows: extend the perimeter wall; construct a dining facility; construct additional housing; construct a tactical operations center for Diplomatic Security; construct a static guard camp; and construct overhead cover. The actual cost of building the New Embassy Compound [NEC] has reached a total of $788,543,000 to date.

The number of permanent and temporary personnel assigned to Iraq, with the exception of USAID, should be decreased to accommodate all personnel within the NEC and any improvements which can be made with previously appropriated funds. USAID will play a critical role in assisting the Government of Iraq in effectively allocating its budgetary resources.

The additional $43,804,000 requested for follow-on projects for the NEC in Baghdad is not included. At least $77,027,000 in prior year funding programmed for follow-on projects is available for obligation and these funds should be used to provide secure housing for a smaller number of personnel.

None of the funds provided under this heading in this act shall be made available for follow-on projects, other than the proposed funding for overhead cover. The Department should include a detailed plan for the use of funds for follow-on projects as part of the spending plan required by this act.

Due to an extended accreditation and verification process and the addition of follow-on projects, occupancy of the NEC offices and housing has been delayed. This rigorous process to address and validate whether the NEC was constructed to code and contract specifications was supported. Now that the process is complete, occupancy of the offices and housing should proceed without delay in order to provide the maximum protection to United States personnel.

The benefits of co-location of the Departments of State and Defense in the NEC is recognized. However, the proposed New Office Building and the Interim Office Building reconfigurations are projected to delay occupancy of NEC offices by up to 1 year. Given the difficult security environment in Baghdad, this lengthy delay is not acceptable. The Departments of State and Defense are expected to consult with the Committees on Appropriations on options for moving forward with limited co-location plans in the most accelerated, secure, and cost effective manner. Any future construction in Iraq shall be subject to the Capital Security Cost Sharing Program, in the same manner as all other embassy construction projects worldwide.

There is a concern that private security contractors have been utilized without the necessary authority, oversight, or accountability. The Department of State is directed to provide a report to the Committees on Appropriations not later than 45 days after enactment of this act on the implementation status of each of the recommendations of the October 2007 report of the Secretary of State's Panel on Personal Protective Services. The Department of State is encouraged to aggressively review security procedures and seek the necessary authority to ensure that increased security is achieved with effective oversight and accountability.

Pakistan.—The Committee recommends $7,500,000 for operations, security, and personnel engaged in diplomatic and economic development activities in the Federally Administered Tribal Areas along the Pakistan and Afghanistan border.

Sudan.—The Committee provides resources to support the diplomatic mission in Sudan including the United States Special Envoy for Sudan.

Tibet.—The Committee recommends up to $5,000,000 for the establishment of a U.S. Consulate in Lhasa, Tibet, and directs that the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as such United States Consulate is established.

The Committee directs that not later than 90 days after enactment of this act, the Secretary of State shall submit a report to the Committees on Appropriations detailing efforts taken by the Department of State to establish a U.S. Consulate in Lhasa, Tibet and a description of actions by the Government of the Peoples Republic of China to undermine support for Tibet in the United States, including in the media, academia, and political arenas.

Local Guard Forces—Worldwide Security Protection.—The Committee recommends $50,000,000 above the request for worldwide security protection. The amount provided is available to restore 100 positions in the global diplomatic security guard force that were redirected to Iraq to address urgent security requirements for United States personnel elsewhere in the world.

Civilian Workforce Initiative.—The Committee recommends $60,000,000 to increase the civilian diplomatic capacity of the Department of State to meet the increasing and complex demands of diplomacy in the 21st century. Within the total, $30,000,000 is for the initial development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction challenges and $30,000,000 is to strengthen capabilities of the United States diplomatic corps and promote broader engagement with the rest of the world, including expanding training and enhanced interagency collaboration.

The Committee provides funds to replace Foreign Service positions worldwide which were previously moved to Iraq and to increase the number of positions participating in critical needs foreign language training. The Department of State has transferred approximately 300 Foreign Service positions from embassies around the world to Iraq and to associated language training, leaving key posts understaffed. These funds are to be used to support United States foreign policy in priority, understaffed regions, particularly South and East Asia, the Western Hemisphere, and Africa.

Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and to enhance operations of the Office of the Coordinator for Reconstruction and Stabilization. In addition to the funds provided to the Department of State, $25,000,000 is appropriated in this act under the heading, ''Operating Expenses of the United States Agency for International Development'' to implement the USAID portion of the civilian stabilization initiative. The funding request for the Civilian Response Corps will be considered as part of the fiscal year 2009 appropriations process and none of the funds provided in this act are to be used to implement the Civilian Response Corps portion of the initiative.

Western Hemisphere Travel Initiative.—The Committee recommends not less than $1,000,000 to expand public outreach efforts related to implementation of the Western Hemisphere Travel Initiative [WHTI]. With WHTI implementation occurring as early as June 2009, there is concern with the lack of a comprehensive, coordinated plan between the Department of State, the Department of Homeland Security, and the United States Postal Service to broadly disseminate information to the traveling public concerning the final WHTI implementation requirements at the Nation's land and seaports. The Department of State is encouraged to provide significantly increased outreach to border communities, including through radio, print media, and additional passport fairs.

Buying Power Maintenance Account.—The Committee provides authority to transfer funds available in this act, and in a prior act, to the Buying Power Maintenance Account in accordance with section 24 of the State Department Basic Authorities Act, to manage exchange rate losses in fiscal year 2008.

Public Diplomacy.—The Committee recommends $5,000,000 for the Office of Public Diplomacy and Public Affairs to expand new media for targeted Arabic language television programs for the purpose of fostering cultural, educational, and professional dialogues through indigenous Arabic language satellite media.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

2008 appropriation to date	$33,733,000
2008 supplemental estimate	.....
Committee recommendation	12,500,000

The Committee recommends an additional $12,500,000 for Office of Inspector General at the Department of State, which is $12,500,000 above the pending request. Of the total, $5,000,000 is to enhance the Department of State Inspector General's oversight of programs in Iraq and Afghanistan, $2,500,000 is for operations of the Special Inspector General for Iraq Reconstruction [SIGIR], and $5,000,000 is for operations of the Special Inspector General for Afghanistan Reconstruction [SIGAR].

The Inspectors General of USAID, the Department of State, the Department of Defense, the Government Accountability Office, SIGIR, and SIGAR, to the maximum extent practicable, should coordinate and deconflict all activities related to oversight of assistance provided for Iraq and for Afghanistan security, stability, and reconstruction. Oversight of funding provided in this act and prior acts for assistance for Iraq through the foreign operations accounts shall be primarily the responsibility of the SIGIR. The Department of State OIG shall have responsibility for oversight of funding provided for diplomatic operations and facilities. The Department of State or the USAID Office of Inspector General should be designated as the lead for any investigations or audits of worldwide programs as they relate to the specific programs in Iraq or Afghanistan.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

2008 appropriation to date	$501,347,000
2008 supplemental estimate	.....
Committee recommendation	10,000,000

The Committee recommends an additional $10,000,000 for Educational and Cultural Exchange Programs. These funds shall be used to expand educational and cultural exchange opportunities through youth programs, especially to learn English, and undergraduate and graduate academic exchange programs, including with community colleges, in order to reach a greater number of underserved, disadvantaged young people in Africa and the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

2008 appropriation to date	$1,425,574,000
2008 supplemental estimate	160,000,000
Committee recommendation	76,700,000

The Committee recommends an additional $76,700,000 for urgent Embassy security, construction, and maintenance costs, which is $83,300,000 below the request. The funds are to construct 300 secure apartments and a secure office building, including the necessary perimeter security, utility, and dining facilities, for United States Mission staff in Afghanistan. Currently, there are a small number of permanent construction apartments and the majority of diplomatic and Mission personnel live in structures with limited protection. Additional funds for this purpose are provided in subchapter B.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

2008 appropriation to date	$1,343,429,000
2008 supplemental estimate	53,000,000
Committee recommendation	66,000,000

The Committee recommends an additional $66,000,000 for Contributions to International Organizations, of which, $53,000,000 is for United States contributions to the U.N. Assistance Mission in Afghanistan and the U.N. Assistance Mission in Iraq, as requested. Funding is also provided to meet fiscal year 2008 assessed dues to organizations whose missions are critical to protecting United States national security interests, including the North Atlantic Treaty Organization, the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

2008 appropriation to date	$1,690,517,000
2008 supplemental estimate	333,600,000
Committee recommendation	383,600,000

The budget request included $723,600,000 for contributions for International Peacekeeping Activities, of which $390,000,000 of funds designated as an emergency was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for the United States contribution to the United Nations-African Union hybrid peacekeeping mission to Darfur [UNAMID].

The Committee recommends an additional $383,600,000 for assessed costs to U.N. peacekeeping operations. Within the total under this heading, not less than $333,600,000 is provided for UNAMID, equal to the request. The Committee recommends $50,000,000 to meet fiscal year 2008 assessed dues for the international peacekeeping missions to the Democratic Republic of the Congo, Côte d'Ivoire, Haiti, Lebanon, Liberia, and southern Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommends an additional $3,000,000 for International Broadcasting Operations to continue increased broadcasting to Tibet.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

2008 appropriation to date	$429,739,000
2008 supplemental estimate	
Committee recommendation	240,000,000

The budget request included $80,000,000 for International Disaster Assistance. The State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) provided $110,000,000 for emergency humanitarian requirements.

The Committee recommends $240,000,000 for International Disaster Assistance, which is $240,000,000 above the pending request. These funds should be used to respond to urgent humanitarian requirements worldwide, including in Burma, Bangladesh, China and countries severely affected by the international food crisis.

The Committee directs USAID to urgently and substantially increase food assistance for Haiti to address critical food shortages and malnutrition. Preventing hunger and combating poverty in Haiti should be a USAID priority.

The Committee also includes funds under the heading ''Development Assistance'' in subchapter B to help address the international food crisis. Programs should address both rural and urban food requirements.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

2008 appropriation to date	$650,656,000
2008 supplemental estimate	41,000,000
Committee recommendation	149,500,000

The budget request included $61,800,000 for Operating Expenses of the United States Agency for International Development, of which $20,800,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for operations in Iraq.

The Committee recommends an additional $149,500,000 for Operating Expenses of the United States Agency for International Development.

Of the funds provided under this heading, the Committee recommends $41,000,000 to continue support for security needs in Iraq and Afghanistan, which is the same as the request. In addition, $29,000,000 is included to increase support for staffing, security, and operating needs in Afghanistan and Sudan, and $19,500,000 in Pakistan.

The Committee also recommends $25,000,000 to support the development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction needs. Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and none of the funds provided in this act may be used to develop the Civilian Response Corps. Additional funding for this initiative is provided in the ''Diplomatic and Consular Programs'' account for the Department of State portion of the initiative.

In addition, the Committee recommends $35,000,000 to enable USAID to hire above attrition in fiscal year 2008. The administration's request for fiscal year 2009 includes $92,000,000 for hiring 300 USAID foreign service officers as part of a 3-year initiative. Funding provided in this act is intended to support the hiring of at least 100 additional Foreign Service officers in fiscal year 2008 in order to begin rebuilding the capacity of the Agency to carry out its mission. USAID is directed to consult with the Committees on Appropriations on the use of these funds and to recruit mid-career personnel. As USAID seeks to strengthen its workforce, USAID is encouraged to consult with the Department of Defense on ways to benefit from the experience of retiring officers, including establishment of a transition program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF THE INSPECTOR GENERAL

2008 appropriation to date	$37,692,000
2008 supplemental estimate	
Committee recommendation	4,000,000

The Committee recommends an additional $4,000,000 for the United States Agency for International Development Office of Inspector General to support increased oversight of programs in Iraq and Afghanistan.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

2008 appropriation to date	$2,974,959,000
2008 supplemental estimate	2,009,000,000
Committee recommendation	1,962,500,000

The budget request included $2,217,000,000 for Economic Support Fund [ESF], of which $208,000,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for emergency requirements in the West Bank and in North Korea, as requested.

The Committee recommends an additional $1,962,500,000 for ESF, which is $46,500,000 less than the request. Of the funds requested under ESF, $75,000,000 is provided under the heading Democracy Fund for political development programs for Iraq. Funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

Country and Region	Committee recommendation
Afghanistan	899,000
Bangladesh	25,000
Central African Republic	2,000
Central America	40,000
Chad	4,000
Democratic Republic of the Congo	15,000
Iraq	398,000
Jordan	150,000
Kenya	12,000
Nepal	7,000
North Korea	53,000
Pakistan	60,000
Philippines	15,000
Sri Lanka	6,000
Sudan	45,000
Thailand	2,500
Uganda	22,000
Vietnam	2,000
West Bank	200,000
Zimbabwe	5,000
Total	1,962,500

Iraq.—The Committee recommends $398,000,000 for Iraq, which is $399,000,000 below the request. The sums provided should enable the Department of State and USAID to continue programs in Iraq through the end of fiscal year 2008 and into the first two quarters of fiscal year 2009.

After providing more than $45,000,000,000 to help rebuild Iraq, the United States should seek to reduce bilateral assistance levels, and correspondingly to reduce the number of Department of State personnel involved in the reconstruction effort who are located in Iraq.

Funds provided for Iraq are to be allocated as follows:

IRAQ PROGRAMS

[In thousands of dollars]

Activity	Pending fiscal year 2008 request	Committee recommendation	Change from request
Provincial Reconstruction Teams (PRTs)	165,000	138,000	−27,000
Provincial Reconstruction Development Councils	100,000	85,000	−15,000
Local Governance Program	65,000	53,000	−12,000
Community Stabilization Program (CSP)	155,000	100,000	−55,000
Community Action Program (CAP)		75,000	+75,000
Infrastructure Security Protection for Oil, Water and Electricity	70,000		−70,000
Operations and Maintenance of Key USG-Funded Infrastructure	134,000	10,000	−124,000
Iraqi-American Enterprise Fund	25,000		−25,000
National Capacity Development	248,000	70,000	−178,000
Marla Fund		5,000	+5,000
Total	797,000	398,000	−399,000

—*Community Action Program [CAP]*.—The Committee recommends $75,000,000 for continued support for the Community Action Program.

—*Community Stabilization Program [CSP]*.—The Committee recommends $100,000,000 for the CSP, which is $55,000,000 below the request. Recent findings of a March 18, 2008 USAID Inspector General audit (E–267–08–001–P) of possible fraud and misuse of some CSP funds are of concern. Therefore the Committee withholds funding until the Secretary of State certifies and reports that USAID is implementing recommendations contained in the audit to ensure proper use of funds.

—*Enterprise Fund*.—The Committee recommends no funding for an enterprise fund for Iraq.

—*Infrastructure Security Protection for Oil, Water, and Electricity*.—The Committee does not include funding for these functions which should be supported by the Government of Iraq.

—*Marla Ruzicka Iraqi War Victims Fund*.—The Committee recommends $5,000,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

—*National Capacity Development [NCD]*.—The Committee provides $70,000,000 for NCD, which is $178,000,000 below the request. The Government of Iraq should assume increasing responsibility for the cost of these activities.

—*Operations and Maintenance of Key United States Government-funded Infrastructure*.—The Committee recommends $10,000,000 for Operations and Maintenance of key United States Government-funded infrastructure, which is $124,000,000 below the request. These functions should be funded by the Government of Iraq and this act includes funding to allow the United States to provide technical assistance and training. In addition, the Committee recommendation conditions the funds on the signing and implementation of an asset transfer agreement between the United States and Iraq.

Afghanistan.—The Committee recommends an additional $899,000,000 for Afghanistan, which is $65,000,000 above the request.

USAID is directed to review its reconstruction efforts in Afghanistan; focus its assistance, including capacity building, through local Afghan entities; give greater attention to accountability and monitoring to minimize corruption; and emphasize programs which directly improve the economic, social, and political status of Afghan women and girls. Funds provided for Afghanistan are to be allocated as follows:

AFGHANISTAN PROGRAMS

[In thousands of dollars]

Activity	Pending fiscal year 2008 request	Committee recommendation	Change from request
Roads	329,000	200,000	−129,000
Power	175,000	150,000	−25,000
Trade and Investment	5,000	7,000	+2,000
Rural Development/Alternative Livelihoods		65,000	+65,000
Governance and Capacity Building	275,000	165,000	−110,000
National Solidarity Program		85,000	+85,000
2009 Elections	100,000	70,000	−30,000
Provincial Reconstruction Teams [PRTs]/Provincial Governance		50,000	+50,000
Health and Education	50,000	95,000	+45,000
Civilian Assistance Program		10,000	+10,000
NATO/ISAF Post-Operations Humanitarian Relief Fund		2,000	+2,000
Total	834,000	899,000	+65,000

—*Civilian Assistance*.—The Committee recommends $10,000,000 for USAID's Afghan Civilian Assistance Program to continue assistance for civilians who have suffered losses as a result of the military operations, and $2,000,000 for the NATO/ISAF Post-Operations Humanitarian Relief Fund.

—*Power*.—The Committee recommends $150,000,000 for power, which is $25,000,000 below the request. The request includes funding for gas and diesel power projects and there is a concern that diesel generators are costly to maintain and will exacerbate Kabul's already heavily polluted air. The completion of the north-south transmission line to enable Afghanistan to purchase electricity from its northern neighbors for distribution to other areas of the country is supported. Funding for the Northern Electrical Power System or the Shebergan Gas-Fired Plant is not included. The World Bank should play a larger role in financing such infrastructure projects. It is noted that Afghanistan has considerable potential for small hydro and solar power development to service Afghanistan's many remote communities that have no other access to electricity. The Committee directs that not less than $15,000,000 of the funds be used for renewable energy projects in rural areas.

—*Roads*.—The Committee recommends $200,000,000 for roads, which is $129,000,000 below the request.

Bangladesh.—The Committee recommends $25,000,000 for assistance for Bangladesh for cyclone recovery and reconstruction assistance.

Central America.—The Committee recommends $40,000,000 for Central America in fiscal year 2008, in addition to funds otherwise made available for assistance for countries in Central America for a program to be called the ''Economic and Social Development Fund for Central America'', to be administered by USAID in consultation with the Department of State. The purpose of the program is to promote economic and social development and good governance in low-income areas, including rural communities, that are vulnerable to drug trafficking and related violence and organized crime. These funds should support programs that emphasize community initiatives and public-private partnerships. United States funds should be matched with contributions from other public and private sources to the maximum extent practicable. USAID is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

Democratic Republic of the Congo.—The Committee recommends $15,000,000 for assistance for eastern Democratic Republic of the Congo for urgent conflict mitigation and recovery programs and for programs relating to sexual violence against women and girls. Of this amount, $1,000,000 is to establish and support a training center for health workers who provide care and treatment for victims of sexual violence, and $2,000,000 is for training military and civilian investigators, prosecutors, and judges to bring the perpetrators of such crimes to justice.

Jordan.—The Committee recommends $150,000,000 for economic assistance to Jordan, which is $150,000,000 above the request. The Government of Jordan remains a key ally and has played a leading role in supporting peace initiatives in the Middle East. Programming of these funds should be done in consultation with the Government of Jordan and refugee relief organizations and should be used to meet the needs of Iraqi refugees. The Committee directs the Secretary of State, after consultation with the Government of Jordan, the United Nations, and

international organizations and non-governmental organizations with a presence in Iraq, to submit a report to the Committees on Appropriations not later than 45 days after enactment detailing (1) short and medium term options the United States and other countries and organizations could pursue to assist Iraqis in Jordan maintain their educational and vocational skills and earn income; and (2) longer-term options that the United States and the Government of Jordan can take to address the economic, social, and health needs of refugees from Iraq, including the feasibility of extending temporary residence status for Iraqis registered with the United Nations High Commissioner for Refugees.

Kenya.—The Committee recommends $12,000,000 for assistance for Kenya for political, ethnic and tribal reconciliation activities.

Nepal.—The Committee recommends $7,000,000 for assistance for Nepal to strengthen democracy and support the peace process, including the demobilization and reintegration of ex-combatants, and for economic development programs in rural communities affected by conflict.

North Korea.—The Committee recommends up to $53,000,000 for energy-related assistance for North Korea in support of the goals of the Six-Party talks, which is the same as the request. This is in addition to the $53,000,000 appropriated in division J of Public Law 110–161.

Pakistan.—The Committee recommends $60,000,000 for assistance for Pakistan, which is the same as the request.

The Philippines.—The Committee recommends $15,000,000 for assistance for the Philippines for programs to further peace and reconciliation in the southern Philippines, and recognizes the shared interest between the United States and the Philippines in ending terrorism in this region.

Sri Lanka.—The Committee recommends $6,000,000 for assistance for Sri Lanka to be provided through USAID to support economic development programs in the eastern region of Sri Lanka to solidify recent gains against the Liberation Tigers of Tamil Eelam. These funds should be used to assist Tamil and Muslim minorities in Sri Lanka.

Sudan.—The Committee recommends $45,000,000 for assistance for Sudan to support election-related activities.

Thailand.—The Committee recommends $2,500,000 for assistance for Thailand to address economic and social development needs in southern Thailand. The Department of State is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

Uganda.—The Committee recommends $22,000,000 for assistance for northern Uganda. These funds should be used to support economic development, governance, assistance for war victims, and reintegration of ex-combatants.

Vietnam.—The Committee recommends $2,000,000 for assistance for Vietnam to continue environmental remediation and health activities at former United States military sites in Vietnam that are contaminated by dangerously high levels of dioxin. The Department of State is directed to consult with the Committees on Appropriations on the uses of these funds.

West Bank.—The Committee recommends not more than $200,000,000 for economic assistance for the West Bank, which is the same as the request. The Department of State is directed to provide a report to the Committees on Appropriations not later than 90 days after the enactment of this act on how United States economic assistance for the West Bank supports the larger Palestinian Reform and Development Plan as well as a description of other donor support of this plan. The report should describe how assistance from the United States and other donors will improve conditions in the West Bank, including through job creation and housing programs.

Zimbabwe.—The Committee recommends $5,000,000 for assistance for Zimbabwe to support political reconciliation activities.

DEPARTMENT OF STATE

DEMOCRACY FUND

2008 appropriation to date	$162,672,000
2008 supplemental estimate	.....
Committee recommendation	76,000,000

The Committee recommends an additional $76,000,000 for Democracy Fund programs, requested under the heading ''Economic Support Fund'', to be made available as follows:

Chad.—The Committee recommends $1,000,000 for democracy activities in Chad.

Iraq.—The Committee recommends $75,000,000 for democracy activities in Iraq. These funds are intended to be made available through nongovernmental organizations, including the National Endowment for Democracy and the United States Institute for Peace.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

2008 appropriation to date	$553,926,000
2008 supplemental estimate	734,000,000
Committee recommendation	470,000,000

The Committee recommends an additional $470,000,000 for International Narcotics Control and Law Enforcement activities in Afghanistan, Iraq, Mexico, Central America, Haiti, the Dominican Republic, and the West Bank, which is $264,000,000 below the request.

Iraq.—The Committee recommends $85,000,000 for Iraq for justice and rule of law programs, which is $74,000,000 below the request. Funding for prison construction is not included.

Central America.—The Committee recommends $50,000,000 for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and an additional $10,000,000 for Haiti and the Dominican Republic under the Merida Initiative. Impunity within the military and police forces of several of these countries is of concern, and their justice systems are corrupt and ineffective. The Secretary of State is directed to submit a report, prior to the obligation of funds, on mechanisms to ensure adequate monitoring of these funds.

The Committee directs the Secretary of State to submit a report not more than 90 days after enactment of this act detailing efforts by the Guatemalan Government to propose and promote legislation to raise the necessary revenues in Guatemala to fund comprehensive judicial and law enforcement reform.

The omission of Haiti and the Dominican Republic from the request for the Merida Initiative makes it more likely that these vulnerable countries would become increasingly favored transit routes for drug traffickers. The Committee recommends $5,000,000 for Haiti and $5,000,000 for the Dominican Republic to support counternarcotics, border security, anti-corruption and rule of law programs.

Mexico.—The Committee recognizes there is a shared responsibility between the United States and Mexico to combat drug trafficking and related violence and organized crime. The Committee provides $350,000,000 to support programs to enable the Government of Mexico to respond to these threats in accordance with the rule of law, a portion of which is funded with unobligated balances from the Iraq Relief and Reconstruction Fund.

The Committee also recognizes that corruption and impunity within Mexico's military and police forces are pervasive. Additionally, Mexican law enforcement and intelligence agencies have frequently persecuted legitimate groups for engaging in peaceful dissent. Recommendations of the National Human Rights Commission are often ignored and investigations of violations of human rights by Mexican military and police forces rarely result in convictions. The recommendation requires the Secretary of State to report to the Committees on Appropriations prior to the obligation of funds that mechanisms are in place to ensure proper vetting of recipients of United States assistance. Additionally, the Committee provides that a comprehensive database for vetting military and police forces shall be established by the United States Embassy in Mexico City and continually updated.

There is concern with the failure to investigate and prosecute the police officers responsible for human rights violations, including rape and sexual violence against women, at San Salvador Atenco on May 3–4, 2006, and in Oaxaca between June and December 2006. These and other such violations by members of the Mexican military and police forces have been documented and require thorough, credible and transparent investigation and prosecution by the Mexican Attorney General. The State and Federal investigations into the October 27, 2007, killing in Oaxaca of American citizen Bradley Will have been flawed and the Secretary of State is directed, not later than 45 days after enactment of this act and 120 days thereafter, to submit a report to the Committees on Appropriations detailing progress in conducting a thorough, credible, and transparent investigation to identify the perpetrators of this crime and bring them to justice.

One of the benefits of the Merida initiative is that the wireless radio equipment and identification systems being provided will enable the Government of Mexico to more closely collaborate with United States agencies like the Drug Enforcement Administration, Customs and Border Protection, and Immigration and Customs Enforcement. To maximize the potential for collaboration, the Committee recommends that any equipment and technology purchases should be interoperable based on open standards with the equipment and technology being used by their United States Government counterparts.

West Bank.—The Committee provides $25,000,000 for ongoing training of vetted units of the Palestinian National Security Forces, which is the same as the request.

MIGRATION AND REFUGEE ASSISTANCE

2008 appropriation to date	$1,023,178,000
2008 supplemental estimate	30,000,000
Committee recommendation	330,500,000

The budget request included $230,000,000 for Migration and Refugee Assistance, of which $200,000,000 was provided in the State, Foreign Operations Appropriations Act, 2008 (Public Law 110–161) for emergency refugee requirements in Iraq and the West Bank.

The Committee recommends an additional $330,500,000 for Migration and Refugee Assistance, which is $300,500,000 above the pending request. Funds should be made available to meet unmet global refugee needs, including to assist Iraqi refugees in Jordan, Syria, Lebanon, Turkey, Egypt, and the surrounding region, as well as internally displaced persons in Iraq. Funds may also be used, if necessary, for the admissions costs of Iraqis granted special immigrant status under the Special Immigrant Visa program

authorized by the National Defense Authorization Act of 2008. In addition, funds may be used to offset administrative costs associated with the expanded requirements of the Iraqi refugee program, in consultation with the Committees on Appropriations.

The humanitarian crisis involving Iraqi refugees and internally displaced persons is of concern and the Government of Iraq has dedicated insufficient resources to assist this most vulnerable segment of the Iraqi population. The Department of State is directed to urge the Government of Iraq to provide a substantial increase in funding for humanitarian assistance to the Iraqi refugee population residing in the region and within the country. In addition, the Secretary of State should ensure that the Senior Coordinator for Iraqi Refugee Issues gives particular attention to the needs of vulnerable minority groups.

The welfare and security of the 7,900 Lao Hmong in the Thai military camp in Petchaboon, northern Thailand is of concern and the Government of Thailand is urged to support a transparent screening process to identify those who have a legitimate fear of return to Laos. Any attempt to force the return of Hmong refugees to Laos is strongly opposed.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

2008 appropriation to date	$44,635,000
2008 supplemental estimate	.....
Committee recommendation	36,608,000

The Committee recommends an additional $36,608,000 for the United States Emergency Refugee and Migration Assistance Fund to prevent depletion of this emergency fund.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

2008 appropriation to date	$483,055,000
2008 supplemental estimate	5,000,000
Committee recommendation	10,000,000

The Committee recommends an additional $10,000,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, which is $5,000,000 above the request.

Of these funds, $5,000,000 is for presidential protective service support in Afghanistan, which is the same as the request, and $5,000,000 is for a United States contribution to the Comprehensive Test Ban Treaty International Monitoring System.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

2008 appropriation to date	$261,381,000
2008 supplemental estimate	.....
Committee recommendation	10,000,000

The Committee recommends an additional $10,000,000 for Peacekeeping Operations in the Democratic Republic of the Congo [DRC]. These funds are made available to support infantry battalions of the DRC armed forces, to protect vulnerable civilians in the eastern region of the country, and should be made available in accordance with thorough vetting procedures. The Department of State should ensure that trained units are being provided professional leadership, appropriate training in human rights, and adequate pay.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

The budget request totals $3,605,000,000 in emergency supplemental funds for fiscal year 2009. The Committee recommendation is $3,600,000,000 for the Department of State, Foreign Operations, and related programs for fiscal year 2009 emergency supplemental requirements, which is $181,000,000 below the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The Committee recommends $652,400,000 for Diplomatic and Consular Programs. Within this amount, $78,400,000 is available for worldwide security protection and not more than $500,000,000 is available as a bridge fund for Iraq operations.

To meet increased security and personnel requirements, the Committee provides $87,400,000 for Afghanistan, $7,000,000 for Pakistan, $3,000,000 for Somalia, and $15,000,000 for Sudan. In addition, the Committee provides $40,000,000 to continue support of new positions to develop language and other critical skills of the diplomatic corps and for civilian post-conflict stabilization initiatives.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends $57,000,000 for the Office of the Inspector General at the Department of State, of which, $15,500,000 is to continue oversight of programs in Iraq, Afghanistan, and the Middle East.

Special Inspector General for Iraq Reconstruction [SIGIR].—The Committee recommends $36,500,000 for the SIGIR for continued oversight of United States reconstruction programs in Iraq, as authorized by section 3001 of Public Law 108–106.

Special Inspector General for Afghanistan Reconstruction [SIGAR].—The Committee recommends $5,000,000 for the SIGAR, for which no funds were requested, and which is authorized by section 1229 of Public Law 110–181. Such funds shall be used for oversight of United States reconstruction programs in Afghanistan. None of the funds shall be used to duplicate investigations that have been conducted or to support offices or systems of inspectors general at the Department of State or USAID. The SIGAR should co-locate staff and ''back office'' support systems with other inspectors general to the extent feasible.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The Committee recommends $41,300,000 for urgent Embassy security, construction and maintenance costs. Funds should be used to construct safe and secure office space for the increasing number of diplomatic and development personnel living and working in Kabul, Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The Committee recommends $75,000,000 for Contributions to International Organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The Committee recommends $150,500,000 for Contributions for International Peacekeeping Activities to fund the administration's revised estimate of the United States-assessed contribution to international peacekeeping.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommends $6,000,000 for International Broadcasting Operations.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

GLOBAL HEALTH AND CHILD SURVIVAL

The Committee recommends $75,000,000 for Global Health and Child Survival to continue programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

Food Security Initiative.—The Committee recommends $200,000,000 for Development Assistance, which is for a new Food Security Initiative to promote food security in countries affected by significant food shortages, including programs to assist farmers to increase crop yields. Of this amount, up to $50,000,000 should be used for local and regional purchase. The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this act, and prior to the initial obligation of funds, on the proposed uses of funds to alleviate starvation, hunger, and malnutrition overseas, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

The Committee recommends $200,000,000 for International Disaster Assistance to meet urgent humanitarian requirements worldwide, including support for critical needs in Bangladesh, Burma and China. A portion of these funds should be used for assistance for internally displaced persons in Iraq and Afghanistan. In addition, funds are available under this heading to assist in the response to the international food crisis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The Committee recommends $93,000,000 for Operating Expenses of the United States Agency for International Development to address staffing, security, and operating needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The Committee recommends $1,000,000 for Operating Expenses of the United States Agency for International Development Office of Inspector General.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The Committee recommends $1,132,300,000 for Economic Support Fund. The agreement includes funding to address critical health, economic, and security needs. These funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

Country and Region	Committee recommendation
Afghanistan	455,000
Bangladesh	50,000
Burma	5,300
Central African Republic	2,000
Chad	5,000
Democratic Republic of the Congo	10,000
Iraq	110,000
Jordan	100,000
Kenya	25,000
North Korea	15,000
Pakistan	150,000
Sudan	25,000
Uganda	15,000
West Bank	150,000
Zimbabwe	15,000
Total	1,132,300

The Committee intends that funds made available for Burma should be used for humanitarian programs along the Thai-Burma border.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The Committee recommends $151,000,000 for International Narcotics Control and Law Enforcement activities in Iraq, Afghanistan, the West Bank, and Africa.

MIGRATION AND REFUGEE ASSISTANCE

The Committee recommends $350,000,000 for Migration and Refugee Assistance. Funds are

available to respond to urgent humanitarian and refugee admissions requirements, including those involving refugees from Iraq, Afghanistan, and central Africa.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The Committee recommends $4,500,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, for humanitarian demining in Iraq.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The Committee recommends $145,000,000 for the Foreign Military Financing Program, of which $100,000,000 is for assistance for Jordan and $45,000,000 is for assistance for Lebanon.

PEACEKEEPING OPERATIONS

The Committee recommends $85,000,000 for Peacekeeping Operations for programs in Africa to address needs beyond those projected in the fiscal year 2009 budget request, including for Darfur.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

EXTENSION OF AUTHORITIES

SEC. 1401. Extends certain authorities necessary to expend Department of State and foreign assistance funds.

IRAQ

SEC. 1402. Imposes certain conditions and limitations on assistance for Iraq and requires reports.

AFGHANISTAN

SEC. 1403. Imposes certain conditions and limitations on assistance for Afghanistan and requires a report.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. Grants limited waiver authority to the President with respect to certain assistance to North Korea and the ''Glenn Amendment,'' which established automatic sanctions in the Arms Export Control Act on non-nuclear weapon states that detonate a nuclear device. The waiver authority would allow the following activities that materially and directly assist in the implementation of the Joint Statement of September 19, 2005:

—Financial assistance to the extent that such assistance materially assists disablement and disarmament (restrictions on credit and credit guarantees would remain in place);

—Sales of non-lethal articles on the United States Munitions List that may be necessary for disablement/dismantlement; and

—Controlled, dual-use equipment or goods that may be necessary to assist in disablement/disarmament activities.

In addition, dismantlement and disablement activities shall include removal of nuclear materials from the Korean peninsula and activities to verify that North Korea is fulfilling its denuclearization commitments.

MEXICO

SEC. 1405. Sets a ceiling on funding for Mexico at $350,000,000 and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 25 percent of the funding for the military and police forces until the Secretary of State determines and reports certain requirements have been met.

CENTRAL AMERICA

SEC. 1406. Sets a ceiling of $100,000,000 on funding for the countries of Central America, Haiti and the Dominican Republic and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 25 percent of the funding for the military and police forces until certain requirements have been met.

TECHNICAL PROVISIONS

SEC. 1407. Extends certain authorities in existing law. Paragraph (a) provides authority for previously appropriated funds to be used for administrative expenses in the Andean region of South America. Paragraph (b) provides authority for previously appropriated funds for the Department of Energy's National Nuclear Security Administration to support initiatives relating to the Six-Party Talks. Paragraph (c) clarifies authority for transferred funds previously appropriated. Paragraph (d) ensures USAID is fully reimbursed for the costs of administering and managing programs for other agencies and administration initiatives, such as the Millennium Challenge Corporation and the President's Emergency Plan for AIDS Relief. Paragraph (e) provides an exception for this section from the emergency designation of this act.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. Provides $26,000,000 from Diplomatic and Consular Programs and authority to transfer up to an additional $74,000,000 of the funds made available by this act to the Buying Power Maintenance Account to manage exchange rate losses in fiscal year 2008. The Department of State shall consult on any proposed transfers resulting from this authority. The Department of State estimates the impact of currency fluctuations to be at least $260,000,000 on United States diplomatic operations worldwide.

In addition, the provision recommends authority to transfer unobligated and expired balances after fiscal year 2008 into the Buying Power Maintenance Account to address future exchange rate losses. The Secretary of State shall submit a report to the Committees on Appropriations not later than October 15, 2008 on the amount transferred pursuant to this authority in this or any fiscal year, the total amount of exchange rate losses in fiscal year 2008, and the accumulated impact of losses from prior years.

SERBIA

SEC. 1409. Transfers program assistance for Serbia to funds under the heading ''Embassy Security, Construction, and Maintenance'' to cover the costs of damage to the United States Embassy in Belgrade resulting from the February 21, 2008 attack.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. Rescinds prior year funds and makes them available for a contribution to the World Food Program and for programs in the INCLE account.

DARFUR PEACEKEEPING

SEC. 1411. Authorizes the President to utilize prior year Foreign Military Financing Program and Peacekeeping Operations funds for transfer or lease of helicopters necessary for operations of the AU/UN hybrid peacekeeping mission in Darfur.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSIONS)

SEC. 1412. Provides an additional $225,000,000 for International Disaster Assistance to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis, and offset by a $225,000,000 rescission from the Millennium Challenge Corporation.

SOUTH AFRICA

SEC. 1413. Provides the Secretary of State authority regarding visa issuance relating to activities undertaken in opposition to apartheid rule.

JORDAN

(INCLUDING RESCISSIONS)

SEC. 1414. Provides an additional $300,000,000 for assistance for Jordan for border security, refugee, and reform programs.

ALLOCATIONS

SEC. 1415. Requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this explanatory statement. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

REPROGRAMMING AUTHORITY

SEC. 1416. Allows for reprogramming of funds made available in prior years to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1417. Requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in subchapters A and B. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

TERMS AND CONDITIONS

SEC. 1418. Establishes that unless explicitly designated in this chapter, the terms and conditions contained within the State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) shall apply to funds appropriated by this chapter.

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends $265,000,000 for Food and Drug Administration, Salaries and Expenses to remain available until September 30, 2009. The Committee directs FDA to provide quarterly reports through December 31, 2009, on the status of the funding, including, but not limited to, expenditures and hiring by program, and significant accomplishments, including operations in foreign countries, enhanced inspection activities, scientific advances, and information technology improvements.

Of the amount recommended, $125,000,000 shall be used for activities related to food protection. The funding shall be used to open additional FDA offices overseas and improve FDA's capacity to identify risk factors and more rapidly mitigate any food safety problems. This includes more rapid detection of contamination and more rapid trace back abilities to determine the source of any outbreak of food borne illness. Further, this funding will be used to hire additional foreign and domestic inspectors to increase the number of import food exams, the number of foreign food facility inspections and the number of domestic food safety inspections; and to create a new communication system to more rapidly inform the public of any outbreak of food borne illness.

Of the amount recommended, $100,000,000 shall be used for activities related to drug, device, and biologics safety. The funding shall be used to increase foreign and domestic facility inspections, improve laboratory infrastructure and rapid analysis tools, implement the safety requirements outlined in

the Food and Drug Administration Amendments Act, and upgrade the agency's information technology to enable data sharing and enhanced analysis of adverse events.

Of the amount recommended, $40,000,000 will be used to enhance science programs across the agency, with specific focus on areas of emerging science where the FDA currently lacks the expertise necessary to regulate complex products under development. This will include funding for research, science training and professional development for current FDA staff, and efforts to recruit additional scientific staff to the agency.

BUILDINGS AND FACILITIES

The Committee recommends $10,000,000 for FDA to bring agency laboratories outside of the Washington region in line with public health safety standards.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

2008 appropriation to date	$1,027,406,000
2008 supplemental estimate	.....
Committee recommendation	210,000,000

The bill includes $210,000,000 for increased costs associated with the poor management of the 2010 decennial census. Within the funds provided, not less than $50,300,000 shall be used to restore funding associated with the approved March 26, 2008 reprogramming within the Bureau of Census. Funds transferred pursuant to the reprogramming to address immediate shortfalls within the Field Data Collection Automation contract from the American Community Survey, Census Coverage Measurement activities, and other census activities may result in increased risk and other unintended consequences to other parts of the census. The $50,300,000 shall be available solely to complete previously planned activities and address vacancies in the aforementioned areas in order to reduce risk and ensure a successful 2010 decennial census.

The Census Bureau shall submit to the Committees on Appropriations of the Senate and the House of Representatives, within 30 days of enactment of this act, a detailed plan showing a timeline of milestones and expenditures for the 2010 decennial census, and shall include a quantitative assessment of the associated risk to the program as it is currently constituted. In addition, the inspector general shall submit quarterly reports to the Committees on Appropriations, until the conclusion of the 2010 decennial census, detailing the progress of the revised plan for the execution of the 2010 decennial census and any unanticipated slippages from the revised 2010 milestones, as well as reassessing the associated risk to the program. The Census Bureau is directed to provide the inspector general with any required information so that the quarterly reports can begin 60 days after submission of the plan.

Because rising costs associated with the 2010 decennial census and the Department's and the Bureau's lack of contract oversight are cause for particular concern, the recommendation includes not less than $3,000,000 for the Department's Office of the Inspector General for census contract oversight activities and not less than $1,000,000 solely for a reimbursable agreement with the Defense Contract Management Agency to review and improve Census contract management.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

2008 appropriation to date	$866,523,000
2008 supplemental estimate	.....
Committee recommendation	50,000,000

In order to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248), the United States Marshals Service requires funding to hire and equip at least 200 Deputy Marshals and at least 25 associated administrative personnel each year for the next 5 years. This funding is critical and necessary to establish the National Sex Offender Targeting Center, improve the information technology backbone, and reinforce the agency's infrastructure so that Deputy Marshals have timely, accurate investigative information to track down and arrest those who prey on our Nation's children. The Committee is deeply concerned that no additional resources have been requested or provided by the Department of Justice to undertake this mission as required under the Adam Walsh Child Protection and Safety Act.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

2008 appropriation to date	$5,050,440,000
2008 supplemental estimate	.....
Committee recommendation	178,000,000

The Committee recommends $178,000,000 for additional costs of the Bureau of Prisons [BOP] related to the custody and care of inmates and the maintenance and operation of correctional and penal institutions. The BOP has been chronically underfunded in recent budget requests, due to consistently underestimated growth in inmate populations and inadequate funding requests for medical expenses. As a result, BOP facilities face rising staff-to-inmate ratios, placing corrections officers and inmates at unacceptable risk of violence. The bill includes funding for FCI Pollock activation costs and for inmate drug abuse treatment required by law. The administration is urged to re-estimate BOP fixed costs and prisoner population for fiscal year 2009 and to provide the House and Senate Committees on Appropriations with those estimates no later than May 31, 2008. Further, the BOP is directed to notify the Committees of current staff-to-inmate ratios at all Federal prisons on a monthly basis.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

2008 appropriation to date	$170,433,000
2008 supplemental estimate	.....
Committee recommendation	590,000,000

The Committee recommends $490,000,000 for Edward Byrne Memorial Justice Assistance Grants. Byrne grant funding is the single most important Federal resource for cops-on-the-beat in our States and local communities. This funding goes by formula to State and local police forces to help them prevent, fight, and prosecute crime.

The Committee notes that the President's annual budget requests have repeatedly proposed to cut drastically and eliminate Byrne grant funding. Each time, the Committee has rejected the President's proposals. In fiscal year 2008, the Senate-passed Commerce, Justice, Science [CJS] bill provided $660,000,000 for Byrne grants. But because of the President's veto threats, Byrne funding was reduced to just $170,000,000 in the final 2008 omnibus bill, $350,000,000 below the 2007 level, and $490,000,000 below the level included in the Senate-passed CJS bill for 2008. The Committee has heard from State and local police around the country that the consequences of these funding cuts will be fewer cops on our streets fighting gangs, drugs, and child predators and fewer prosecutions of criminals. This is unacceptable given that communities around the country—from suburbs and small towns to large cities—have faced rising crime rates. The Committee therefore recommends $490,000,000 in Byrne grant funding, and directs the Department of Justice to obligate these funds by formula no later than 30 days after enactment of this act.

In addition, the Committee recommends $100,000,000 for competitive grants for programs that provide assistance and equipment to local law enforcement along the Southern border or in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the Bureau of Alcohol, Tobacco, Firearms and Explosives Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

2008 appropriation to date–	.....
2008 supplemental estimate	.....
Committee recommendation	$200,000,000

The Committee recommends $200,000,000 to address costs associated with the return to flight of the space shuttle. As a result of the loss of the space shuttle *Columbia*, NASA has experienced significant costs associated with the repair of the remaining shuttle fleet. This has caused serious budget and programmatic disruption to NASA's core programs. The Committee has provided transfer authority to the Administrator to fund programs that were cut as a result of shifting budget priorities related to the return to flight. The Administrator shall submit a spending plan to the Committee for this funding within 30 days of enactment of this act.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

2008 appropriation to date–	$4,821,474,000
2008 supplemental estimate	.....
Committee recommendation	150,000,000

The Committee recommends $150,000,000 for research and related activities at the National Science Foundation [NSF]. The Committee strongly supports the need to increase funding for all research disciplines at NSF and believes that it will maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life. Within the recommendation the Committee provides $10,000,000 for the National Academic Research Fleet which is experiencing reduced research capacity due to rising fuel costs.

EDUCATION AND HUMAN RESOURCES

2008 appropriation to date–	$725,600,000
2008 supplemental estimate	.....
Committee recommendation	50,000,000

The Committee recommends $50,000,000 for science, technology, engineering, and mathematics [STEM] scholarship programs at the National Science Foundation [NSF]. STEM education is critical to our future economic prosperity. The National Academy of Sciences' report ''Rising Above the Gathering Storm'' recommended increasing the number of students earning degrees in the physical sciences in order to energize America for a brighter economic future. The recommendation includes an additional: $20,000,000 for the Robert Noyce Scholarship program to expand the program as authorized by the America COMPETES Act (Public Law 110–69); and $24,000,000 for Graduate Research Fellowships; $5,000,000 for Graduate

Teaching Fellowships; and $1,000,000 for Federal Scholarship for Service.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. The Committee includes bill language providing the National Telecommunications and Information Administration with added flexibility to conduct consumer education programs related to the digital television transition.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

2008 appropriations to date	$182,263,000
2008 supplemental estimate	.....
Committee recommendation	5,000,000

The Committee recommends $5,000,000 for Non-Defense Environmental Cleanup. The Committee has been informed that legal obligations contained in compliance agreements and consent orders will not be met simply because of a lack of funding in fiscal year 2008. Additionally, the Committee has learned that the cleanup workforce will be reduced due to funding shortfalls. This increase provides a stimulus to support the workforce around the complex as well as meets milestones in existing compliance agreements.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

2008 appropriations to date	$622,162,000
2008 supplemental estimate	.....
Committee recommendation	52,000,000

The Committee recommends an additional $52,000,000 for Uranium Enrichment Decontamination and Decommissioning Fund. The committee has been informed that legal obligations contained in compliance agreements and consent orders will not be met simply because of a lack of funding in fiscal year 2008. Additionally, the Committee has learned that the cleanup workforce will be reduced due to funding shortfalls. This increase provides a stimulus to support the workforce around the complex as well as meets milestones in existing compliance agreements.

SCIENCE

2008 appropriations to date	$4,017,711,000
2008 supplemental estimate	.....
Committee recommendation	100,000,000

The Committee recommends an additional $100,000,000 for Science. The Committee is aware that the final fiscal year 2008 appropriation was essentially flat with fiscal year 2007 in many areas of the Science budget. The result of flat funding shows up in reduced hours of operation of equipment and facilities, reduced service to users, staff layoffs, reductions to education and training programs, and other negative impacts. This increase to fiscal year 2008 funding will restore the jobs of 10 to 30 people who were terminated and prevent the reduction of 200 additional employees.

Specifically, $55,000,000 is for Fusion Energy Sciences and $45,000,000 is for High Energy Physics.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

2008 appropriations to date	$5,349,378,000
2008 supplemental estimate	.....
Committee recommendation	243,000,000

The Committee recommends an additional $243,000,000 for Defense Environmental Cleanup. The Committee has been informed that legal obligations contained in compliance agreements and consent orders will not be met simply because of a lack of funding in fiscal year 2008. Additionally, the Committee has learned that the cleanup workforce will be reduced due to funding shortfalls. This increase provides a stimulus to support the workforce around the complex as well as meets milestones in existing compliance agreements.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. Language is included that extends the Department of Energy's cooperative agreement with the FutureGen Alliance to March 30, 2009.

SEC. 2302. Language is included to require continued down-blending Russian highly enriched uranium stockpiles.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Committee recommends $600,000 for the Small Business Administration to fund grants to veterans business resource centers.

SEC. 2402. The Committee recommends a provision to permit payment of premium rate increases in the costs of Federal Employees' Group Life Insurance for eligible bankruptcy judges and territorial district court judges.

SEC. 2403. The Committee recommends a provision to permit the U.S. Tax Court to pay premium rate increases in the costs of Federal Employees' Group Life Insurance for eligible judges.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. The Committee recommends an amendment to the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393) that will provide an additional $400,000,000 for payments to States under the act.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

2008 appropriation to date	$3,265,883,000
2008 supplemental estimate	.....
Committee recommendation	110,000,000

The Committee recommendation includes $110,000,000 for State unemployment insurance and employment service operations. These funds reimburse States for the costs of administering the unemployment insurance program. These funds are available for obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

2008 appropriation to date	$6,049,973,000
2008 supplemental estimate	.....
Committee recommendation	26,000,000

The Committee recommendation includes $26,000,000 for the prevention of and response to medical errors. Funds should be used for research, education and outreach activities. Of the funds provided, no less than $5,000,000 is designated for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, which may be used to reimburse local testing facilities and local health departments who are responsible for disease investigation and response. The Committee is particularly supportive of the Centers for Disease Control and Prevention's unique ability to provide genetic sequencing of such an outbreak, allowing for better epidemiologic investigations into the sources of exposure.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

2008 appropriation to date	$1,109,099,000
2008 supplemental estimate	.....
Committee recommendation	400,000,000

The Committee recommends $400,000,000 for the National Institutes of Health. This appropriation is directed to the Office of the Director and will be transferred to the NIH Institutes and Centers on a pro-rata basis.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. The recommendation provides an additional $1,000,000,000 for the Low-Income Home Energy Assistance Program, split evenly between formula grants and contingency funds.

SEC. 2602. The Committee recommendation includes a provision requiring the Government Accountability Office to conduct studies of past and future minimum wage increases in American Samoa and the Commonwealth of the Northern Mariana Islands.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

2008 appropriation to date	$11,000,000
2008 supplemental estimate	.....
Committee recommendation	10,000,000

The Committee recommendation includes $10,000,000 for the American Battle Monuments Commission [ABMC] Foreign Currency Fluctuations Account. The Commission operates and maintains 24 permanent American burial grounds on foreign soil, where 131,000 U.S. war dead are interred. Since the summer of 2006, the U.S. dollar has fallen steadily against the European euro, causing a shortfall within the Commission's Foreign Currency Fluctuations Account, which affects the funding of salaries and expenses. The Committee recommends replenishing this account to ensure that the Commission can meet payroll obligations and fund cemetery maintenance.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Allows aircraft operating turnaround service in Hawaii under an existing statutory exemption to continue to operate the same service under the exemption after being purchased or leased by another air carrier after April 1, 2008. The section also extends an existing statutory exemption to allow such purchased or leased aircraft to be transported between Hawaii and the 48 contiguous States.

SEC. 2802. Extends for 1 year the current terms and conditions of the aviation insurance program, commonly known as "war risk insurance," and the limitation on air carrier liability for third party claims arising out of acts of terrorism.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

2008 appropriation to date	.....
2008 supplemental estimate	.....
Committee recommendation	$49,413,000

The Committee recommends $49,413,000 for the Emergency Conservation Program for recovery from floods, storms, and other natural disasters.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

2008 appropriation to date	$29,790,000
2008 supplemental estimate	.....
Committee recommendation	130,464,000

The Committee recommends $130,464,000 for the Emergency Watershed Protection Program for recovery from floods, storms, and other natural disasters.

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. This section makes $1,000,000 of funds previously provided to the Rural Electrification and Telecommunications Program Account to address hurricane damage available for electric loan modifications needed subsequent to any weather related damage occurring after Hurricane Katrina. A corresponding $1,000,000 of available funds are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

2008 appropriation to date	$249,100,000
2008 supplemental estimate	.....
Committee recommendation	75,000,000

The Committee recommends $75,000,000 for Economic Development Assistance Programs [EDAP] to assist in the relocation of public facilities of the Port of New Orleans as a result of the closure of the deep draft channel of the Mississippi River Gulf Outlet [MRGO]. This funding is provided in accordance with section 3082(a) of the Water Resource Development Act of 2007 (Public Law 110–114). No funds are provided to relocate private facilities.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

2007 appropriation to date	$2,859,277,000
2007 supplemental estimate	.....
Committee recommendation	75,000,000

The Committee recommends $75,000,000 to help alleviate the economic impacts associated with commercial fishery failures, fishery resource disasters, and State and Federal regulations. The Committee is aware of multiple requests for fishery assistance. Specifically, the Committee is aware of costs associated with reductions in fishing capacity in the Northeast, costs associated with gear modifications to protect endangered species, as well as declared and pending disasters for west coast salmon, Chesapeake Bay blue crab, and gulf coast oysters. The Committee directs the Secretary of Commerce to provide the Committee with a spend plan for the allocation of these funds no later than 45 days after enactment.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

2008 appropriation to date	$187,513,000
2008 supplemental estimate	.....
Committee recommendation	75,000,000

The Committee recommends $75,000,000 for Edward Byrne Discretionary Grants to assist State and local law enforcement in Louisiana, Mississippi, and Alabama to continue to rebuild capacity and fight rising crime in the aftermath of Hurricane Katrina. Increased crime in the gulf region threatens the region's long-term recovery and immediate assistance is crucial. Funding is provided to combat juvenile crime and delinquency, assist in basic operational costs, and restore criminal and civil justice record-keeping systems. Of the funds provided, $50,000,000 is for Louisiana, $12,500,000 is for Alabama, and $12,500,000 is for Mississippi.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. The Committee includes bill language requiring certain designations in the Gulf of Mexico to comply with the National Marine Sanctuaries Act.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

2008 appropriations to date	$2,294,029,000
2008 supplemental estimate (2009 budget request)	(4,362,000,000)
Committee recommendation	5,033,345,000

The Committee has not recommended the Lake Pontchartrain and Vicinity, West Bank and Vicinity and Southeast Louisiana projects be combined into a single project to be cost shared 65 percent Federal and 35 percent non-Federal as proposed by the administration with a resulting Federal cost of $2,835,000,000 and a non-Federal cost of $1,527,000,000. The Committee believes that the three authorized projects can be constructed as a coherent hurricane protection system without modifying the individual project authorizations or cost shares resulting in a Federal share of $3,047,000,000 and a non-Federal share of $1,315,000,000 that will be initially federally funded. This $4,362,000,000 shall not be available until October 1, 2008. The Committee has recommended $1,657,000,000 for the Lake Ponchartrain and Vicinity project; $1,415,000,000 for the West Bank and Vicinity Project; and $1,290,000,000 for the Southeast Louisiana projects. These three projects are to be initially federally funded with non-Federal shares estimated to be $497,000,000; $495,000,000; and $323,000,000 respectively. The non-Federal shares are to be repaid in accordance with section 103(k) of the Water Resources Development Act of 1986 (Public Law 99–662) over a period of 30 years. While the Committee has recommended specific statutory dollar amounts for the three projects, statutory language has been included that would allow the administration to request a reprogramming of funds, if required. However, the Committee believes that the Corps should use this reprogramming ability sparingly.

The Committee has recommended $604,745,000 hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the gulf coast of Mississippi. This $604,745,000 shall not be available until October 1, 2008. The Committee recommendation includes $173,615,000 for the Turkey Creek, Bayou Cumbest, Dantzler, Admiral Island, Franklin Creek, and Deer Island Environmental Restoration projects; $4,550,000 for the Moss Point Municipal Relocation project; $5,000,000 for the Waveland Floodproofing project; $150,000 for the Mississippi Sound Sub Aquatic Vegetation Project; $15,430,000 for the Coast-Wide Dune Restoration Project; $397,000,000 for the Homeowners Assistance and Relocation Project; and $9,000,000 for the Forrest Heights Hurricane and Storm Damage Reduction project. These projects are generally described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report. The non-Federal share of $211,661,000 is to be repaid in accordance with section 103(k) of the Water Resources Development Act of 1986 (Public Law 99–662) over a period of 30 years. While the Committee has recommended specific statutory dollar amounts for the listed projects, statutory language has been included that would allow the administration to request a reprogramming of funds, if required. However, the Committee believes that the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that are currently under construction that have been damaged by storm and flood events. The Committee has recommended $66,600,000 for the Corps to repair and rehabilitate these construction projects that were affected by natural disasters.

MISSISSIPPI RIVER AND TRIBUTARIES

2008 appropriations to date	$387,402,000
2008 supplemental estimate	.....
Committee recommendation	17,700,000

Due to recent natural disasters, the Corps of Engineers has identified a number of Federally maintained construction and maintenance projects that have been damaged or otherwise impacted by storm and flood events. The Committee has recommended $17,700,000 for the Corps to repair and rehabilitate these projects that were affected by natural disasters.

OPERATION AND MAINTENANCE

2008 appropriations to date	$2,243,637,000
2008 supplemental estimate	.....
Committee recommendation	338,800,000

Due to recent natural disasters, the Corps of Engineers has identified a number of navigation and flood damage reduction projects that have been impacted by storm and flood events. The Committee has recommended $338,800,000 for the Corps to restore navigation channels and harbors to pre-storm conditions; to repair eligible flood damage reduction and other projects in States affected by natural disasters; and to continue to inventory and assess levees and floodwalls nationwide.

FLOOD CONTROL AND COASTAL EMERGENCIES

2008 appropriations to date	.....
2008 supplemental estimate (2009 budget request)	($2,926,000,000)
Committee recommendation	3,368,400,000

The Committee has recommended the full administration request of $2,926,000,000 for the work related to Hurricanes Katrina and Rita. However, for consistency, the funding has been recommended in the same elements as requested by the administration and appropriated in Public Law 109–234 rather than as a lump sum as proposed by the administration for this request. This $2,926,000,000 shall not be available until October 1, 2008. The Committee has recommended $704,000,000 to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 to improve protection at the Inner Harbor Navigation Canal; $456,000,000 to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems;

$393,000,000 for repair and restoration of authorized protections and floodwalls; and $359,000,000 to complete the authorized protection for the Lake Pontchartrain and Vicinity Project and for the West Bank and Vicinity Project. While the Committee has recommended specific statutory dollar amounts for the three projects, statutory language has been included that would allow the administration to request a reprogramming of funds, if required. However, the Committee believes that the Corps should use this reprogramming ability sparingly.

The Committee remains concerned that plans under development for permanent pumping of storm water in the New Orleans metropolitan area do not fully account for the operational challenges that arise during major storm events and are not, therefore, fully protective of public safety.

After reviewing the report furnished in response to section 4303 of Public Law 110–28, the Committee has concluded that Option 1, as presented therein, presents unacceptable risks given that it relies on old equipment and technology that is less reliable, it requires synchronized operation of multiple pump stations by both local and Federal agencies during high flood flow or storm events creating operational complexity and requires operation and maintenance of more systems that would be true in Option 2.

In the report the Corps states that ''Option 2 is generally more technically advantageous and may be more effective operationally over Option 1 because it would have greater reliability and further reduces the risk of flooding.'' The Corps further states that ''Discharge of storm water directly to the Mississippi River (Option 2a) would reduce the size of the new pump station required at the lake and would reduce the magnitude of the canal modifications required to accommodate gravity flow in the 17th Street system.''

Given these conclusions and the severe consequences of a failure relating to loss of life and property, the Corps is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1 and 2 and 2a and within 90 days of enactment of this act provide the House and Senate Appropriation Committees cost estimates to implement Options 1, 2 and 2a of the above cited report.

The Committee recommendation includes $348,000,000 for barrier island restoration and ecosystem restoration along the Mississippi gulf coast. This $348,000,000 shall not be available until October 1, 2008. This restoration will help to restore the historic levels of storm damage reduction to the Mississippi gulf coast that these islands once provided. These funds are provided at full Federal expense as these islands are a part of the Gulf Islands National Seashore and are publicly owned and managed by the Department of the Interior.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that have been damaged by storm and flood events. The Committee has recommended $94,400,000 for the Corps to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; to repair and rehabilitate eligible projects that were affected by natural disasters; and to fund claims processing and discovery costs associated with Hurricane Katrina lawsuits.

GENERAL EXPENSES

2008 appropriations to date	$175,046,000
2008 supplemental estimate	.....
Committee recommendation	1,500,000

Funds totaling $1,500,000 are recommended for additional oversight and management costs associated with Hurricanes Katrina and Rita.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 3401. The Committee includes a provision to extend eligibility under the Small Business Administration's 8(a) program for 2 additional years beyond the current participation limit of 9 years for small businesses located in Katrina-impacted areas in Alabama, Mississippi, and Louisiana. The Committee is concerned that access to Federal recovery contracts for small businesses in the gulf region is inadequate. The Committee also urges SBA District Offices and regional SBA Procurement Center Representatives to heighten their focus on improving small business utilization efforts in the gulf region, including attention to small businesses associated with the Michoud Assembly Facility in New Orleans, Louisiana.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. A provision is included regarding Federal Emergency Management Agency assistance to police stations, fire stations, and criminal justice facilities damaged by Hurricanes Katrina and Rita of 2005.

SEC. 3502. A provision is included regarding flood insurance in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

2008 appropriation to date	$1,057,072,000
2008 supplemental estimate	.....
Committee recommendation	125,000,000

The Committee recommends $125,000,000 for wildland fire management activities. Of this amount, $100,000,000 is for urgent wildland fire suppression, and $25,000,000 is for burned area rehabilitation.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

2008 appropriation to date	$70,385,000
2008 supplemental estimate	.....
Committee recommendation	15,000,000

The Committee recommends $15,000,000 for the Historic Preservation Fund for expenses related to Hurricane Katrina. These funds will be directed by the National Park Service to the Louisiana State Historic Preservation Officer for grants for the restoration and rehabilitation at Jackson Barracks.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

2008 appropriation to date	$2,921,051,000
2008 supplemental estimate	.....
Committee recommendation	5,000,000

The Committee recommends an additional $5,000,000 for the State and tribal assistance grant account for expenses related to Hurricanes Katrina and Rita. These funds will be used by Cameron Parish, Louisiana for sewer system improvements for the community of Holly Beach.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

2008 appropriation to date	$2,494,477,000
2008 supplemental estimate	.....
Committee recommendation	325,000,000

The Committee recommends an additional $325,000,000 for the wildland fire management account to fund wildland fire suppression and rehabilitation and restoration of burned-over forest lands. Of the funds provided, $250,000,000 shall be for emergency fire suppression activities and for repayment of other program funds borrowed to fund suppression activities. The Committee has also provided $75,000,000 for urgently needed fire rehabilitation and restoration projects on national forest lands and directs the Forest Service to allocate these funds to areas that face the greatest stabilization and watershed protection needs based on values at risk. The Committee notes that it has provided language to transfer these funds into other agency accounts as necessary.

GENERAL PROVISION—THIS CHAPTER

SEC. 3601. This section clarifies that the use of funds previously provided in Public Law 110–161 for the purpose of acquiring lands shall not be subject to certain internal policies of the Department of the Interior.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

2008 appropriation to date	.....
2008 supplemental estimate	.....
Committee recommendation	$350,000,000

The Committee recommendation includes $350,000,000 for grants to hospitals in the gulf coast region affected by Hurricane Katrina to stabilize the workforce for patient care. Funds shall remain available until September 30, 2010.

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

2008 appropriation to date	$536,656,000
2008 supplemental estimate	.....
Committee recommendation	11,503,000

The Committee recommends $11,503,000 for Military Construction, Army National Guard. The funds are provided to reconstruct a Battalion Supply building and billeting areas at Camp Shelby, Mississippi, that were destroyed as a result of tornado damage on March 4, 2008.

The Committee also recommends rescinding $7,000,000 in funds previously appropriated to this account due to savings. The rescissions are as follows:

[In thousands of dollars]

Public Law	Location	Project title	Committee recommendation
Public Law 109–234 (fiscal year 2006)	Louisiana: Hammond	Army Aviation Support Facility	−2,600
	Louisiana: Jackson Barracks	Readiness Center	−1,750
	Louisiana Various Locations	Projects provided in Public Law 109–148	−2,650
TOTAL			−7,000

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Allows certain funds available in the Department of Defense Family Housing Improvement Fund to be used for a family housing privatization project.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

2008 appropriation to date	$100,000,000
2008 supplemental estimate	.....
Committee recommendation	451,126,383

The Committee recommends an additional $451,126,383 to carry out emergency relief [ER] projects for which a formal request has been submitted to the Federal Highway Administration [FHWA] for disasters occuring in fiscal year 2005 to the present. The amount provided will be sufficient to cover an estimated backlog of 41 separate applications from 21 States for roads and bridges that were damaged or destroyed in declared disaster areas.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

2008 appropriation to date	.....
2008 supplemental estimate	.....
Committee recommendation	$73,000,000

The Committee recommends $76,000,000 to fund permanent supportive housing in Louisiana. The State of Louisiana developed plans to create 3,000 units of permanent supportive housing for elderly, disabled and other homeless individuals most at risk. The recommended funding will provide the necessary rent subsidies to make these units affordable and get tenants into safe and stable housing. Of the funding recommended, at least $20,000,000 will support project-based vouchers, and at least $50,000,000 will support units under the Shelter Plus Care program. The Committee has also included not more than $3,000,000 to cover reasonable administrative expenses of the State of Louisiana related to administering this funding.

PROJECT-BASED RENTAL ASSISTANCE

2008 appropriation	$6,381,810,000
2008 supplemental estimate	.....
House allowance	.....
Committee recommendation	20,000,000

The Committee recommends $20,000,000 to fund vouchers for project-based rental assistance in the State of Mississippi to assist low-income individuals and families that were impacted by Hurricane Katrina. The recommended funding will provide necessary housing support for citizens in economic distress including homeless individuals in the impacted region.

HOUSING TRANSITION ASSISTANCE

2008 appropriation to date	.....
2008 supplemental estimate	.....
Committee recommendation	$3,000,000

The Committee has provided $3,000,000 to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005.

COMMUNITY DEVELOPMENT FUND

2008 appropriation to date	$6,865,800,000
2008 supplemental estimate	.....
Committee recommendation	50,000,000

The Committee recommends an additional $50,000,000 in Community Development Block Grant [CDBG] funds for the State of Alabama for disaster relief efforts to cover uncompensated housing damage that has resulted from Hurricane Katrina. Consistent with the requirements of prior CDBG appropriations to the hurricane-impacted region, the Committee requires the State to submit a plan to the Secretary of Housing and Urban Development outlining the proposed use of such funds. The Committee provides that the State may use up to 5 percent of the total funds made available under this section for administrative costs. Consistent with previous appropriations to the gulf States for hurricane recovery activities, the Secretary may waive or require additional requirements to facilitate the use of such funds.

(RESCISSION)

The Committee recommends a rescission of $200,000,000 from unobligated supplemental funds previously made available in Public Law 110–116 through the CDBG program for the ''Road Home'' recovery program in Louisiana. These funds were made available solely to cover uncompensated but eligible claims under that program. Updated data indicate that $200,000,000 will be available for rescission once all eligible claims are paid.

TITLE IV

VETERANS EDUCATIONAL ASSISTANCE

The Committee recommendation includes provisions establishing a new program of educational assistance for servicemembers who have served on active duty since September 11, 2001.

TITLE V

EMERGENCY UNEMPLOYMENT COMPENSATION

The Committee recommendation includes provisions related to a program of emergency unemployment compensation.

TITLE VI

OTHER HEALTH MATTERS

The Committee recommendation includes a number of provisions that extend or impose a moratorium on a number of Medicaid regulations. Those provisions relate to payments to public providers, payments for graduate medical education, payments for targeted case management activities, payments for school-based and rehabilitation services, payments for outpatient services, and provider taxes.

The Committee recommendation also includes a provision making a technical correction to a DRA provision related to Medicaid drug pricing.

The Committee recommendation includes a provision expanding the existing web-based asset verification demonstration program in the Supplemental Security Income program to the Medicaid program.

The Committee recommendation includes a provision preventing new physician-owned hospitals from joining the Medicare program.

The Committee recommendation includes a provision to deposit excess savings from the two offsets in an account available for future improvements to the Medicare program.

The Committee recommendation also includes a prohibition against the Secretary of Health and Human Services taking any action related to an August 17, 2007 CMS directive under the State Children's Health Insurance Program. The recommendation also includes an adjustment to the physician assistance and quality initiative fund.

TITLE VII

ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1

CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Chapter 1 of title VII is identical to the language of H.R. 5712, ''Close the Contractor Fraud Loophole Act,'' passed by the House on April 23, 2008. It closes a loophole in a proposed rule so that mandatory fraud reporting requirements would apply to U.S. contractors working overseas as well as to contractors working here at home.

CHAPTER 2

GOVERNMENT FUNDING TRANSPARENCY

Chapter 2 of title VII is identical to the language of H.R. 3928, ''Government Funding Transparency Act of 2007,'' passed by the House on April 23, 2008. It requires any company or organization receiving at least $25,000,000 and 80 percent or more of their revenue from Federal payments to disclose the salaries of their most highly compensated officers.

TITLE VIII

EMERGENCY AGRICULTURE RELIEF

The Committee recommends a provision regarding farm workers and modifying the H–2A visa program.

TITLE IX

TELEWORK ENHANCEMENT ACT OF 2008

The Committee includes provisions to define ''telework'' and to require executive agencies to establish telework policies.

TITLE X

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 10001. The Committee recommends a provision that limits the availability of the funds provided in this title to the current fiscal year unless expressly provided otherwise.

EMERGENCY DESIGNATION

SEC. 10002. The Committee recommends a provision designating the funds in this Act as emergency requirements.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

Sec. 10003. The Committee recommends a provision to prohibit the use of funds to contract with U.S. corporations which hire U.S. employees through foreign offshore subsidiaries to avoid U.S. payroll tax contributions.

EXTENSION OF EB–5 REGIONAL CENTER PILOT PROGRAM

SEC. 10004. The recommendation includes a provision extending the EB–5 Regional Centers pilot program for 5 years.

INTERIM RELIEF FOR SKILLED IMMIGRANT WORKERS

SEC. 10005. The recommendation includes a provision recapturing unused employment based visas.

NURSING SHORTAGE RELIEF

SEC. 10006. The recommendation includes a provision regarding nursing shortage relief.

NURSE TRAINING AND RETENTION DEMONSTRATION GRANTS

SEC. 10007. The recommendation includes a provision regarding nurse training and retention demonstration grants.

EXPLANATORY STATEMENT

SEC. 10008. The Committee recommends language that would have the effect of treating this explanatory statement when printed in the Congressional Record as if it were a report to the Senate.

SHORT TITLE

SEC. 10009. The Committee recommends a short title for this act.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 21) agreed to by Congress for fiscal year 2007 includes provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions contained in the bill meet the criteria for emergency spending as identified in the budget resolution.

The Committee recommends emergency funding for fiscal year 2008 for overseas deployments and other activities, for hurricane recovery in the gulf coast region, and other natural disasters, and for other needs. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror and the hurricanes of 2005 and other natural disasters. The recommendation also funds the costs of ongoing military deployments and other requirements through the beginning months of the next fiscal year. These needs meet the criteria for emergencies.

AMENDMENT #2

TITLE XI

DEFENSE MATTERS

CHAPTER 1

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

OVERVIEW

RECOMMENDATION

In title XI, chapter 1, total new appropriations of $99,505,877,000 are recommended. A detailed review of the recommendations for programs funded in this chapter is provided in the following pages.

The recommended supplemental appropriations for the Department of Defense are intended for ongoing military and intelligence operations in support of Operation Iraqi Freedom [OIF], Operation Enduring Freedom [OEF], and the larger global war on terror [GWOT]. The recommendations in this chapter are based on the initial budget request, an update to that request, formal hearings, and numerous briefings and are intended to address emergency, high-priority needs of the United States military and intelligence community. In some cases, funding has been reduced or eliminated for certain activities that are either not emergency in nature; that cannot be obligated and/or executed in a timely fashion; or which involve new policy and program decisions that should be addressed in the regular authorization and appropriations bills for fiscal year 2009.

The following table summarizes by appropriation account or general provision, the recommendation:

[In thousands of dollars]

	Committee recommendation
CHAPTER 1	
DEPARTMENT OF DEFENSE—MILITARY	
Military Personnel	
Military Personnel, Army (emergency)	12,216,715
Military Personnel, Navy (emergency)	894,185
Military Personnel, Marine Corps (emergency)	1,826,688
Military Personnel, Air Force (emergency)	1,355,544
Reserve Personnel, Army (emergency)	304,200
Reserve Personnel, Navy (emergency)	72,800
Reserve Personnel, Marine Corps (emergency)	16,720
Reserve Personnel, Air Force (emergency)	5,000
National Guard Personnel, Army (emergency)	1,369,747
National Guard Personnel, Air Force (emergency)	4,000
Total, Military Personnel	18,065,599
Operation and Maintenance	
Operation & Maintenance, Army (emergency)	17,223,512
Operation & Maintenance, Navy (emergency)	2,977,864
(Transfer out) (emergency)	(−112,607)
Operation & Maintenance, Marine Corps (emergency)	159,900
Operation & Maintenance, Air Force (emergency)	5,972,520
Operation & Maintenance, Defense-Wide (emergency)	3,657,562
Operation & Maintenance, Army Reserve (emergency)	164,839
Operation & Maintenance, Navy Reserve (emergency)	109,876
Operation & Maintenance, Marine Corps Reserve (emergency)	70,256
Operation & Maintenance, Air Force Reserve (emergency)	165,994
Operation & Maintenance, Army National Guard (emergency)	685,644
Operation & Maintenance, Air National Guard (emergency)	287,369
Subtotal, Operation and Maintenance	31,475,336
Iraq Freedom Fund (emergency)	50,000
Afghanistan Security Forces Fund (emergency)	1,400,000
Iraq Security Forces Fund (emergency)	1,500,000
Subtotal, Other	2,950,000
Total, Operation and Maintenance	34,425,336
Procurement	
Aircraft Procurement, Army (emergency)	954,111
Missile Procurement, Army (emergency)	561,656
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	5,463,471
Procurement of Ammunition, Army (emergency)	344,900
Other Procurement, Army (emergency)	16,337,340
Aircraft Procurement, Navy (emergency)	3,563,254
Weapons Procurement, Navy (emergency)	317,456
Procurement of Ammunition, Navy and Marine Corps (emergency)	304,945
Other Procurement, Navy (emergency)	1,399,135
Procurement, Marine Corps (emergency)	2,197,390
Aircraft Procurement, Air Force (emergency)	7,103,923
Missile Procurement, Air Force (emergency)	66,943
Procurement of Ammunition, Air Force (emergency)	205,455
Other Procurement, Air Force (emergency)	1,953,167
Procurement, Defense-Wide (emergency)	408,209
National Guard and Reserve Equipment (emergency)	825,000
Rapid Acquisition Fund	
Total, Procurement	42,006,355
Research, Development, Test and Evaluation	
Research, Development, Test & Evaluation, Army (emergency)	162,958
Research, Development, Test & Evaluation, Navy (emergency)	366,110
Research, Development, Test & Evaluation, Air Force (emergency)	399,817
Research, Development, Test and Evaluation, Defense-Wide (emergency)	816,598
Total, Research, Development, Test and Evaluation	1,745,483
Revolving and Management Funds	
Defense Working Capital Funds (emergency)	1,837,450
National Defense Sealift Fund (emergency)	5,110
Total, Revolving and Management Funds	1,842,560
Other Department of Defense Programs	
Defense Health Program (emergency)	1,413,864
Operation and maintenance (emergency)	(957,064)
Procurement (emergency)	(91,900)
Research Development and Testing (emergency)	(364,900)
Psychological health and traumatic brain injury (emergency)	75,000
Drug Interdiction and Counter–Drug Activities, Defense (emergency)	65,317
Office of the Inspector General (emergency)	6,394
Total, Other Department of Defense Programs	1,560,575
General Provisions	
Sec. xxxx Additional transfer authority (emergency)	(2,500,000)
Defense Cooperation Account: Sec. xxxx (transfer authority) (emergency)	6,500
Rescission (emergency)	−146,531
Total, General Provisions	−140,031
Total, Chapter 1	99,505,877

Additionally, a number of needs were identified that were not adequately addressed by the Department of Defense. Major initiatives in the recommendation include:

—*Facilities Sustainment, Restoration and Modernization [FSRM]*.—The recommendation includes an additional $500,000,000 for FSRM at Army and Marine Corps facilities;

—*Department of Defense Identified Operation & Maintenance Shortfalls*.—The recommendation includes $3,617,308,000 to address the increasing price of fuel and other petroleum products;

—*Yellow Ribbon Reintegration Program*.—The recommendation includes $65,400,000 to support the Yellow Ribbon Reintegration program to help members of the National Guard and Reserve transition from combat to civilian life. The recommendation is summarized as follows:

[In thousands of dollars]

	Fiscal Year 2008 Yellow Ribbon
Military Personnel:	
Reserve Personnel, Army	5,000
Reserve Personnel, Navy	2,800
Reserve Personnel, Marine Corps	1,300
Reserve Personnel, Air Force	2,000
National Guard Personnel, Army	15,000
National Guard Personnel, Air Force	4,000
Total, Military Personnel	30,100
Operation and Maintenance:	
Operation and Maintenance, Army Reserve	8,300
Operation and Maintenance, Navy Reserve	2,200
Operation and Maintenance, Marine Corps Reserve	1,300
Operation and Maintenance, Air Force Reserve	3,500
Operation and Maintenance, Army National Guard	18,000
Operation and Maintenance, Air National Guard	2,000
Total, Operation and Maintenance	35,300

—*Contract Management*.—The recommendation includes $52,000,000 for the Defense Contract Management Agency to hire more than 200 additional contract managers to prevent waste, fraud and abuse in Department of Defense contracting in Iraq and Afghanistan;

—*Land Warrior*.—The recommendation includes $102,000,000 to outfit one ''next to deploy'' brigade combat team with Land Warrior equipment sets;

—*C–17 Procurement*.—The recommendation includes $3,604,500,000 to procure 15 C–17 aircraft;

—*C–130 Procurement*.—The recommendation includes $2,469,700,000 for the procurement of 34 C–130 aircraft including Air Force, Marine Corps and Special Operations variants; and

—*Department of Defense Identified Acquisition Shortfalls*.—The recommendation includes over $1,200,000,000 for a variety of military service Joint Urgent Operational Needs identified by the Department of Defense; and

Overall, the recommendations total $99,505,877,000 and are structured to maximize support to our men and women in uniform. They meet important force protection, equipment and personnel needs, while fully funding the operational requirements to conduct the global war on terror.

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and direction in the classified annex accompanying this act.

REPORTING REQUIREMENTS

The Secretary of Defense is directed to provide a report to the congressional defense

committees within 30 days of enactment of this act on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The Secretary is directed that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of military operations in Iraq and Afghanistan and a listing of equipment procured using funds provided in this chapter. It is expected that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriation accounts for purposes other than those specified in this statement. The Department of Defense is directed to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

Additionally, the Department of Defense is directed to submit monthly supplemental execution reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

CIVIL SUPPORT RESPONSIBILITIES REPORT

The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide a report on the progress of the Department of Defense efforts to plan for and provide support to civil authorities during incidents of national significance as required by sections 1814 and 1815 of Public Law 110–181. The report shall be provided to the Committees on Appropriations and other congressional defense committees no later than 60 days after enactment of this act. Specifically the report shall provide a projected timeframe for completing the determination of requirements requested in sections 1814 and 1815, milestones for implementation of planning and readiness improvements, and any available information on the Department of Defense's current state of readiness and gaps in readiness for each of the National Planning Scenarios. In addition, the Secretary of Defense shall include in the report an explanation on how the Department's civil support and homeland defense responsibilities are incorporated into the validation and prioritization of the services' equipment requirements.

CONTRACTING

There is concern over the numerous instances of waste, fraud, and abuse that have occurred in Department of Defense contracting activities in support of contingency operations. The Department and the military services did not properly address the necessary personnel, training, and technology requirements over the years, but are now taking steps to improve their capabilities. This recommendation includes additional funds to further many of the initiatives and increased personnel requirements identified by the Department of Defense and outside reviews such as the Gansler report. The recommendation also calls for enhanced reporting requirements to ensure improved oversight over the Iraq and Afghanistan Security Forces Funds, and the Commander's Emergency Response Program. Finally, it provides funding for the Department of Defense Inspector General to improve its antiquated tracking system for the Criminal Investigation Service.

OPERATION ENDURING FREEDOM

The recommendation provides additional resources to aid U.S. military operations in Afghanistan and to strengthen the Afghanistan Security Forces. Afghanistan Security Forces are critical to the stability of Afghanistan and essential to our fight against al Qaeda and other terrorist organizations. To increase our efforts to train and equip these forces, the recommendation funds additional trainers for the Afghan National Army and the Afghan National Police. It also doubles the Commander's Emergency Response Program [CERP] in Afghanistan from fiscal year 2007 levels to address critical small scale humanitarian efforts. Included in this amount are the necessary resources to support the CERP program for the additional marines in Afghanistan. These and other efforts related to Afghanistan are discussed elsewhere in this report and in the classified annex.

CASE MANAGEMENT AND DISABILITY EVALUATION FOR WOUNDED WARRIORS

The recommendation includes $94,900,000 in the Operation and Maintenance, Defense-Wide; Procurement, Defense-Wide; Research, Development, Test and Evaluation, Defense-Wide; and the Defense Health Program appropriation accounts to address gaps identified by the President's Commission on Care for America's Returning Wounded Warriors. The funding will enable improvements in case management, data sharing, and the disability evaluation system [DES]. Additionally, the funding will support the ongoing DES Pilot program, information technology development, support for case management, and improvement of Department of Defense and Department of Veterans Affairs data sharing gateways, and distribution of wounded warrior care and benefits informational handbooks.

DEFENSE HEALTH PROGRAM OVERVIEW

The recommendation includes a total appropriation of $1,488,864,000 for the Defense Health Program. This funding will provide medical and dental services to active forces and mobilized Reserve Components, as they support Operation Iraqi Freedom and Operation Enduring Freedom, and their family members. The funding also provides for costs associated with the treatment of combat-related injuries.

The recommendation also provides $293,023,000 for facilities sustainment, restoration and maintenance; $1,000,000 for the Center of Excellence for Eye Injuries; $70,000,000 for the Center for Neuroscience and Regenerative Medicine and $47,100,000 in various budget activities for disability evaluation system and case management.

FUNDING FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation has historically not been funded in large amounts in emergency supplemental appropriations. Generally, funding has been provided for items that have been funded in prior supplemental appropriations, or that can be developed and fielded in a timely manner to impact the global war on terror.

MILITARY PERSONNEL

An appropriation of $18,065,599,000 is recommended for Military Personnel.

The recommendations for each military personnel account are shown below:

[In thousands of dollars]

Account	Committee recommendation
MILITARY PERSONNEL, ARMY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	1,142,768
RETIRED PAY ACCRUAL	230,280
BASIC ALLOWANCE FOR HOUSING	286,673
BASIC ALLOWANCE FOR SUBSISTENCE	38,324
SPECIAL PAYS	535,246
SOCIAL SECURITY TAX	87,416
TOTAL, BUDGET ACTIVITY 1	2,320,707
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	2,747,209
RETIRED PAY ACCRUAL	598,216
BASIC ALLOWANCE FOR HOUSING	902,271
SPECIAL PAYS	2,578,946
SOCIAL SECURITY TAX	210,161
TOTAL, BUDGET ACTIVITY 2	7,036,803
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	300,904
SUBSISTENCE-IN-KIND	1,365,832
TOTAL, BUDGET ACTIVITY 4	1,666,736
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
ACCESSION TRAVEL	11,472
TRAINING TRAVEL	9,537
OPERATIONAL TRAVEL	101,482
ROTATIONAL TRAVEL	126,759
SEPARATION TRAVEL	14,826
TRAVEL OF ORGANIZED UNITS	1,344

[In thousands of dollars]

Account	Committee recommendation
TOTAL, BUDGET ACTIVITY 5	265,420
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
INTEREST ON SOLDIERS DEPOSITS	21,780
RESERVE INCOME REPLACEMENT PROGRAM	8,200
UNEMPLOYMENT COMPENSATION	142,364
DEATH GRATUITIES	72,900
SGLI EXTRA HAZARD PAYMENTS	116,805
TOTAL, BUDGET ACTIVITY 6	362,049
UNDISTRIBUTED ADJUSTMENTS:	
ACCELERATION OF GROW THE FORCE	420,000
CHANGE IN RESERVE AND GUARD MOBILIZATION LEVELS	−101,000
YEAR OF EXECUTION/RATE CHANGES	246,000
TOTAL, UNDISTRIBUTED ADJUSTMENTS	565,000
TOTAL, MILITARY PERSONNEL, ARMY	12,216,715
MILITARY PERSONNEL, NAVY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	119,911
RETIRED PAY ACCRUAL	22,902
BASIC ALLOWANCE FOR HOUSING	32,930
BASIC ALLOWANCE FOR SUBSISTENCE	3,663
SPECIAL PAYS	35,433
SOCIAL SECURITY TAX	9,173
TOTAL, BUDGET ACTIVITY 1	224,012
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	139,495
RETIRED PAY ACCRUAL	26,643
BASIC ALLOWANCE FOR HOUSING	60,550
SPECIAL PAYS	156,124
SOCIAL SECURITY TAX	10,671
TOTAL, BUDGET ACTIVITY 2	393,483
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	14,855
SUBSISTENCE-IN-KIND	14,727
TOTAL, BUDGET ACTIVITY 4	29,582
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
ACCESSION TRAVEL	7,291
OPERATIONAL TRAVEL	12,660
ROTATIONAL TRAVEL	14,073
SEPARATION TRAVEL	5,724
TOTAL, BUDGET ACTIVITY 5	39,748
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
RESERVE INCOME REPLACEMENT PROGRAM	3,000
UNEMPLOYMENT COMPENSATION	28,200
DEATH GRATUITIES	1,500
SGLI EXTRA HAZARD PAYMENTS	10,060
TOTAL, BUDGET ACTIVITY 6	42,760
UNDISTRIBUTED ADJUSTMENTS:	
CHANGE IN RESERVE MOBILIZATION LEVELS	21,600
YEAR OF EXECUTION/RATE CHANGES	143,000
TOTAL, UNDISTRIBUTED ADJUSTMENTS	164,600
TOTAL, MILITARY PERSONNEL, NAVY	894,185
MILITARY PERSONNEL, MARINE CORPS	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	197,261
RETIRED PAY ACCRUAL	45,947
BASIC ALLOWANCE FOR HOUSING	64,464
BASIC ALLOWANCE FOR SUBSISTENCE	7,260
SPECIAL PAYS	36,371
SOCIAL SECURITY TAX	15,089
TOTAL, BUDGET ACTIVITY 1	366,392
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	487,327
RETIRED PAY ACCRUAL	116,280
BASIC ALLOWANCE FOR HOUSING	121,093
SPECIAL PAYS	555,673
SOCIAL SECURITY TAX	37,281
TOTAL, BUDGET ACTIVITY 2	1,317,654
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL: BASIC ALLOWANCE FOR SUBSISTENCE	53,848
TOTAL, BUDGET ACTIVITY 4	53,848
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
ACCESSION TRAVEL	3,583
OPERATIONAL TRAVEL	50,195
TOTAL, BUDGET ACTIVITY 5	53,778
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
UNEMPLOYMENT COMPENSATION	500
DEATH GRATUITIES	23,700
SGLI EXTRA HAZARD PAYMENTS	20,616
TOTAL, BUDGET ACTIVITY 6	44,816

[In thousands of dollars]

Account	Committee recommendation
UNDISTRIBUTED ADJUSTMENTS:	
ACCELERATION OF GROW THE FORCE	93,600
CHANGE IN RESERVE MOBILIZATION LEVELS	−103,400
TOTAL, UNDISTRIBUTED ADJUSTMENTS	−9,800
TOTAL, MILITARY PERSONNEL, MARINE CORPS	1,826,688
MILITARY PERSONNEL, AIR FORCE	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	187,704
RETIRED PAY ACCRUAL	35,851
BASIC ALLOWANCE FOR HOUSING	56,600
BASIC ALLOWANCE FOR SUBSISTENCE	6,416
SPECIAL PAYS	39,793
SOCIAL SECURITY TAX	14,359
TOTAL, BUDGET ACTIVITY 1	340,723
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	468,692
RETIRED PAY ACCRUAL	89,520
BASIC ALLOWANCE FOR HOUSING	127,850
SPECIAL PAYS	143,149
SOCIAL SECURITY TAX	35,855
TOTAL, BUDGET ACTIVITY 2	865,066
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	35,749
SUBSISTENCE-IN-KIND	68,793
TOTAL, BUDGET ACTIVITY 4	104,542
ACTIVITY 5: PERMANENT CHANGE OF STATION TRAVEL:	
OPERATIONAL TRAVEL	5,621
TOTAL, BUDGET ACTIVITY 5	5,621
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
UNEMPLOYMENT COMPENSATION	16,200
DEATH GRATUITIES	2,200
SGLI EXTRA HAZARD PAYMENTS	21,192
TOTAL, BUDGET ACTIVITY 6	39,592
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,355,544
RESERVE PERSONNEL, ARMY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
SCHOOL TRAINING	56,100
SPECIAL TRAINING	56,400
RECRUITING AND RETENTION	186,700
YELLOW RIBBON REINTEGRATION PROGRAM	5,000
TOTAL, BUDGET ACTIVITY 1	304,200
TOTAL, RESERVE PERSONNEL, ARMY	304,200
RESERVE PERSONNEL, NAVY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	35,000
SPECIAL TRAINING	22,000
SCHOOL TRAINING	13,000
YELLOW RIBBON REINTEGRATION PROGRAM	2,800
TOTAL, BUDGET ACTIVITY 1	72,800
TOTAL, RESERVE PERSONNEL, NAVY	72,800
RESERVE PERSONNEL, MARINE CORPS	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
SCHOOL TRAINING	15,420
YELLOW RIBBON REINTEGRATION PROGRAM	1,300
TOTAL, BUDGET ACTIVITY 1	16,720
TOTAL, RESERVE PERSONNEL, MARINE CORPS	16,720
RESERVE PERSONNEL, AIR FORCE	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
SPECIAL TRAINING	3,000
YELLOW RIBBON REINTEGRATION PROGRAM	2,000
TOTAL, BUDGET ACTIVITY 1	5,000
TOTAL, RESERVE PERSONNEL, AIR FORCE	5,000
NATIONAL GUARD PERSONNEL, ARMY	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT:	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	124,400
SPECIAL TRAINING	190,298
SCHOOL TRAINING	441,663
ADMINISTRATION AND SUPPORT	380,386
RECRUITING EFFORTS	75,000
RETENTION EFFORTS	143,000
YELLOW RIBBON REINTEGRATION PROGRAM	15,000
TOTAL, BUDGET ACTIVITY 1	1,369,747
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	1,369,747
NATIONAL GUARD PERSONNEL, AIR FORCE	
ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT: YELLOW RIBBON REINTEGRATION PROGRAM	4,000

[In thousands of dollars]

Account	Committee recommendation
TOTAL, BUDGET ACTIVITY 1	4,000
TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	4,000

GROW THE FORCE

The recommendation includes funding to support the Army and Marine Corps plans to grow their end strength in an effort to better sustain operational tempo and relieve strain on current units.

WOUNDED WARRIOR PROGRAMS

The recommendation fully funds the identified requirements for enhanced Traumatic Servicemembers' Group Life Insurance [TSGLI] benefits and wounded service members' separation pay, and provides additional funding for health care professional bonuses to support the recruitment of additional medical personnel.

COST AND RATE INCREASES

The recommendation includes funding for recent increases for Basic Allowance for Housing, Basic Allowance for Subsistence, Permanent Change of Station, Unemployment Compensation, and Cost of Living Adjustments.

OPERATION AND MAINTENANCE

An appropriation of $34,425,336,000 is recommended for Operation and Maintenance.

The recommendations for each operation and maintenance account are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION & MAINTENANCE, ARMY:	
MANEUVER UNITS	28,089
MODULAR SUPPORT BRIGADES	1,315
ECHELONS ABOVE BRIGADE	29,670
THEATER LEVEL ASSETS	24,466
LAND FORCES OPERATIONS SUPPORT	916
AVIATION ASSETS	59,466
FORCE READINESS OPERATIONS SUPPORT	16,257
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	408,000
BASE OPERATIONS SUPPORT	41,282
ADDITIONAL ACTIVITIES	14,551,866
COMMANDER'S EMERGENCY RESPONSE PROGRAM	1,226,841
FLIGHT TRAINING	33,214
SUBTOTAL BA–1	16,421,382
SECURITY PROGRAMS	102,130
SERVICEWIDE TRANSPORTATION	700,000
SUBTOTAL BA–4	802,130
TOTAL, OPERATION AND MAINTENANCE, ARMY	17,223,512
OPERATION & MAINTENANCE, NAVY:	
MISSION AND OTHER FLIGHT OPERATIONS	753,193
FLEET AIR TRAINING	81,238
AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,221
AIR OPERATIONS AND SAFETY SUPPORT	26,586
AIR SYSTEMS SUPPORT	11,279
AIRCRAFT DEPOT MAINTENANCE	118,287
MISSION AND OTHER SHIP OPERATIONS	568,841
SHIP OPERATIONS SUPPORT & TRAINING	4,134
SHIP DEPOT MAINTENANCE	219,268
SHIP DEPOT OPERATIONS SUPPORT	11,618
COMBAT COMMUNICATIONS	4,839
ELECTRONIC WARFARE	4,262
SPACE SYSTEMS AND SURVEILLANCE	12
WARFARE TACTICS	5,657
OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	774
COMBAT SUPPORT FORCES	573,811
EQUIPMENT MAINTENANCE	23,470
IN-SERVICE WEAPONS SYSTEMS SUPPORT	13,500
WEAPONS MAINTENANCE	28,162
OTHER WEAPON SYSTEMS SUPPORT	1,058
SUSTAINMENT, RESTORATION AND MODERNIZATION	2,912
BASE OPERATING SUPPORT	193,072
SUBTOTAL BA–1	2,647,194
SHIP PREPOSITIONING AND SURGE	94,140
FLEET HOSPITAL PROGRAM	7
SUBTOTAL BA–2	94,147
OFFICER ACQUISITION	136
SPECIALIZED SKILL TRAINING	35,340
FLIGHT TRAINING	24,003
RECRUITING AND ADVERTISING	3,887
SUBTOTAL BA–3	63,366
ADMINISTRATION	1,422
EXTERNAL RELATIONS	139
MILITARY MANPOWER AND PERSONNEL MANAGEMENT	523
OTHER PERSONNEL SUPPORT	2,544
SERVICEWIDE COMMUNICATIONS	11,566
SERVICEWIDE TRANSPORTATION	6,985
ACQUISITION AND PROGRAM MANAGEMENT	540
COMBAT/WEAPONS SYSTEMS	155
NAVAL INVESTIGATIVE SERVICE	4,081
SUBTOTAL BA–4	27,955
OTHER PROGRAMS	32,595
COAST GUARD SUPPORT	112,607
TOTAL, OPERATIONS & MAINTENANCE, NAVY	2,977,864
OPERATION & MAINTENANCE, MARINE CORPS:	
OPERATIONAL FORCES	104,772
MARITIME PREPOSITIONING	2
SUSTAINMENT, RESTORATION, & MODERNIZATION	46,040
BASE OPERATING SUPPORT	6,787

[In thousands of dollars]

Account	Committee recommendation
SUBTOTAL BA–1	157,601
RECRUIT TRAINING	333
OFFICER ACQUISITION	7
SPECIALIZED SKILL TRAINING	88
TRAINING SUPPORT	1,293
RECRUITING AND ADVERTISING	
BASE OPERATING SUPPORT	578
SUBTOTAL BA–3	2,299
TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	159,900
OPERATION & MAINTENANCE, AIR FORCE:	
PRIMARY COMBAT FORCES	1,620,673
PRIMARY COMBAT WEAPONS	9,309
COMBAT ENHANCEMENT FORCES	72,599
AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	10,992
COMBAT COMMUNICATIONS	576,665
DEPOT MAINTENANCE	190,117
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	72,424
BASE SUPPORT	860,101
NAVIGATION/WEATHER SUPPORT	2,160
OTHER COMBAT OPS SPT PROGRAMS	64,297
MANAGEMENT/OPERATIONAL HQ	66,518
TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	666
LAUNCH VEHICLES	4
BASE SUPPORT	2,583
SUBTOTAL BA–1	3,549,108
AIRLIFT OPERATIONS	1,843,258
DEPOT MAINTENANCE	63,772
BASE SUPPORT	67,530
SUBTOTAL BA–2	1,974,560
BASE SUPPORT	1,229
SPECIALIZED SKILL TRAINING	98,851
FLIGHT TRAINING	60,135
PROFESSIONAL DEVELOPMENT EDUCATION	174
TRAINING SUPPORT	966
FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,414
BASE SUPPORT	6,767
RECRUITING AND ADVERTISING	50
SUBTOTAL BA–3	170,586
LOGISTICS OPERATIONS	72,179
BASE SUPPORT	5,027
OTHER SERVICEWIDE ACTIVITIES	8,129
OTHER PERSONNEL SUPPORT	1,455
SECURITY PROGRAMS	170,431
INTERNATIONAL SUPPORT	21,045
SUBTOTAL BA–4	278,266
TOTAL, OPERATION & MAINTENANCE, AIR FORCE	5,972,520
OPERATION & MAINTENANCE, DEFENSE-WIDE:	
JOINT CHIEFS OF STAFF	26,216
SPECIAL OPERATIONS COMMAND	760,811
SUBTOTAL BA–1	787,027
AMERICAN FORCES INFORMATION SERVICE	7,109
DEFENSE CONTRACT AUDIT AGENCY	8,245
DEFENSE INFORMATION SYSTEMS AGENCY	106,078
DEFENSE LOGISTICS AGENCY	105,815
DEFENSE THREAT REDUCTION AGENCY	2,636
DEPARTMENT OF DEFENSE EDUCATION AGENCY	196,927
DOD HUMAN RESOURCES ACTIVITY	36,670
DEFENSE CONTRACT MANAGEMENT AGENCY	52,000
DEFENSE LEGAL SERVICES AGENCY (DLSA)	12,962
DEFENSE SECURITY COOPERATION AGENCY (DSCA)	1,150,000
OFFICE OF THE SECRETARY OF DEFENSE	27,322
WASHINGTON HEADQUARTERS SERVICES (WHS)	7,210
OTHER PROGRAMS	1,157,561
SUBTOTAL BA–4	2,870,535
TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	3,657,562
OPERATION & MAINTENANCE, ARMY RESERVE:	
AVIATION ASSETS	37,581
ADDITIONAL ACTIVITIES	127,258
TOTAL, OPERATION & MAINTENANCE, ARMY RESERVE	164,839
OPERATION & MAINTENANCE, NAVY RESERVE:	
MISSION AND OTHER FLIGHT OPERATIONS	91,495
INTERMEDIATE MAINTENANCE	48
MISSION AND OTHER SHIP OPERATIONS	6,388
COMBAT COMMUNICATIONS	3,354
COMBAT SUPPORT FORCES	8,372
BASE OPERATING SUPPORT (BOS)	219
TOTAL, OPERATION & MAINTENANCE, NAVY RESERVE	109,876
OPERATION & MAINTENANCE, MARINE CORPS RESERVE:	
OPERATING FORCES	23,149
TRAINING SUPPORT	950
BASE OPERATING SUPPORT	157
FACILITIES, SUSTAINMENT, RESTORATION & MODERNIZATION	46,000
TOTAL, OPERATION & MAINTENANCE, MARINE CORPS RESERVE	70,256
OPERATION & MAINTENANCE, AIR FORCE RESERVE: PRIMARY COMBAT FORCES	165,994

[In thousands of dollars]

Account	Committee recommendation
TOTAL, OPERATION & MAINTENANCE, AIR FORCE RESERVE	165,994
OPERATION & MAINTENANCE, ARMY NATIONAL GUARD:	
AVIATION ASSETS	102,394
ADDITIONAL ACTIVITIES	583,250
TOTAL, OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	685,644
OPERATION & MAINTENANCE, AIR NATIONAL GUARD:	
AIRCRAFT OPERATIONS	
MISSION SUPPORT OPERATIONS	287,369
TOTAL, OPERATION & MAINTENANCE, AIR NATIONAL GUARD	287,369
IRAQ FREEDOM FUND	50,000
AFGHANISTAN SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	54,326
MOD TRAINING	71,182
MOD SUSTAINMENT	513,515
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	67,328
MOI TRAINING	422,509
MOI SUSTAINMENT	271,140
TOTAL, AFGHANISTAN SECURITY FORCES FUND	1,400,000
IRAQ SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	522,500
MOD TRAINING	66,400
MOD SUSTAINMENT	154,700
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	332,000
MOI TRAINING	185,000
MOI SUSTAINMENT	86,000
RELATED ACTIVITIES	153,400
TOTAL, IRAQ SECURITY FORCES FUND	1,500,000

COMMANDER'S EMERGENCY RESPONSE PROGRAM

The recommendation includes $1,226,841,000 for the Commander's Emergency Response Program [CERP]. Included in this amount is $479,900,000 for CERP in Afghanistan and $2,000,000 to support our ongoing efforts in the global war on terror in the Philippines. Small scale, humanitarian projects led by the Joint Interagency Task Force—Philippines should have a tremendous impact on combating the spread of terrorist cells in the Philippines. However, the provision of these funds does not represent an invitation to expand CERP beyond its current mission and application.

CERP projects are also currently benefiting the 2.7 million internally displaced Iraqis. The Iraqi Government should devote more of its own resources to returning them to their homes, or resettling them permanently in functioning communities. However, recognizing that CERP is an effective tool for meeting urgent humanitarian needs, the Secretary of Defense is urged to encourage commanders to give priority to humanitarian and reconstruction projects that respond to the needs of internally displaced Iraqis who have settled in their area of responsibility.

CERP has proven beneficial to both U.S. commanders and the Iraqi people, but there is concern over the Department's growing requests for these funds. Since its inception in 2004, this program has grown exponentially, from $180,000,000 in fiscal year 2004 to $956,400,000 in fiscal year 2007. The total fiscal year 2008 level of $1,726,841,000 as recommended, represents an 80 percent increase for the program. Congress provided $500,000,000 in the fiscal year 2008 supplemental bridge appropriation but the Department is obligating funds for this program at a rate that would exceed the authorized level of $977,441,000 before the end of the fiscal year.

While there is a need to maintain commanders' flexibility and control in administering CERP funds, there is concern that, in the absence of any minimum standards for project monitoring or specific performance indicators, commanders exercise varying levels of oversight and typically compile only anecdotal evidence on the impact of projects. Furthermore, CERP funds are administered at the battalion level, often by troops whose Military Operational Specialty has little or no connection to program or acquisition management. The limited information provided to Congress about CERP projects makes it difficult to conduct thorough oversight over how this program is administered, what its actual impact is on the Iraqi people, and how it fits into our overall strategy for Iraq.

To provide Congress sufficient visibility over the use of funding provided for CERP, the Department is directed to: (1) establish minimum guidelines for commanders to follow in monitoring project status and performance indicators to assess the impact of CERP projects, (2) provide more complete information in its quarterly reports to Congress, including: listings of projects by province; project status, such as completed and being used, completed but not sustained, destroyed, vandalized, or not found; the source of each individual initiative, whether it was generated by a local national or the command; the name of the authority or organization who serves as the primary local partner for each project; and the number of local citizens who will benefit from the project, including the number who will be employed in implementing it, and if it directly benefits internally displaced Iraqis. In addition, the report should include information on the nature of the Government of Iraq's commitment to sustain projects requiring government support, and on the impact of CERP projects, individually and collectively, in assisting the United States to carry out its strategy in Iraq.

So Congress may better understand how troops are trained to administer CERP funds, the Secretary of Defense is directed to submit to the congressional defense committees, within 45 days of enactment of this act, a detailed report on the training provided to troops authorized to manage or disperse CERP funds. The report should include the duration of the training, its primary objectives, and a syllabus of the training course.

For greater clarity on how commanders incorporate the use of CERP funds into their operational planning, the Secretary of Defense is directed to provide a report to the congressional defense committees, no later than September 4, 2008, on operational planning for the use of CERP. The report should include plans from each of the current Multinational Division [MND] commands in Iraq and each of the current Task Force commands in Afghanistan, to include information on the criteria used for prioritizing individual CERP projects and how the use of CERP funds is intended to advance the tactical and strategic objectives.

CONTRACT SERVICES

The continued lack of transparency and accountability with regard to contracts and contractors serving in both theaters of operation (Iraq and Afghanistan) is concerning. The Department of Defense has indicated a need for approximately $40,000,000,000 of operation and maintenance funding for contracted services in this supplemental appropriation. This includes $6,000,000,000 for the Army-managed Logistics Civil Augmentation Program [LOGCAP], which provides for a spectrum of services to include power generation, management of facilities, dining operations, latrines, water systems, fire protection and laundry services. Approximately $5,400,000,000 was expended by the Army on LOGCAP contracts in 2007.

Within 90 days of enactment of this act, the Secretary of Defense is directed to submit a comprehensive report to the House and the Senate Committees on Appropriations that provides the following information for each existing operations and maintenance contract in excess of $1,000,000: contractor name; amount; purpose; start and end date; type of contract; and amount of awards per fiscal year, if applicable.

This report should also identify the Department of Defense organization responsible for oversight of the contracts and should reflect the type of services provided, such as vehicle maintenance, food service, security, information technology support, reconstruction, analysis, and other relevant information.

This report should also include a discussion of the roles and responsibilities of the following organizations and how they work collaboratively to ensure appropriate contract oversight in theaters of operation for Iraq and Afghanistan: LOGCAP; AFCAP; Defense Reconstruction Support Office; Joint Contracting Command Iraq/Afghanistan; Deputy Assistant Secretary—Army (Policy

and Procurement)—Iraq and Afghanistan; and Project and Contracting Office, Washington.

Further, the report should include the number of Department of Defense military and Federal civilian personnel assigned to each of these offices, the number of contractors assigned to each office and the roles the contractors perform.

As part of this report, should the Department of Defense determine that it has insufficient in-house capability to effectively monitor these contracts, it should then develop a robust staffing proposal and submit it to the House and the Senate Committees on Appropriations for consideration in the fiscal year 2009 Defense Appropriations Act. The report shall be submitted in unclassified form, but may contain a classified annex.

SUBSISTENCE CONTRACTS

The Army requested $987,000,000 to fund purchases of subsistence items in support of Department of Defense civilian employees and contractors deployed to the Iraq and Afghanistan areas of operations. This also includes subsistence that is provided to these individuals within the Department of Defense dining facilities.

The Army estimates that 5,000 Department of Defense civilians and 73,000 contractor personnel constitute the population of ''Department of Defense authorized personnel''. This is an average cost for subsistence of nearly $13,000 per individual per year.

There are significant unanswered questions regarding the management of this overall process, as well as the absence of appropriate internal control procedures. For example, how the Department manages access to the dining facilities; the number of civilian employees and contractors who dine in Department of Defense dining facilities; why the cost per person is so high; and the number of contractors and subcontractors who provide subsistence to the Department of Defense in this theater of operations.

Based on these unresolved issues, the recommendation includes a 10 percent reduction to the nearly $1,000,000,000 request for this program to encourage better management and accountability of subsistence funds. Currently the Department's Cost of War Report does not account for obligation of funds for subsistence. The Secretary of Defense is directed to, within 90 days of enactment of this act, submit a comprehensive report to the Committees on Appropriations of the House and the Senate which: (1) Identifies the number of contractors dining in the Department of Defense facilities in and around the Iraq and Afghanistan theaters of operations and a description of the method for charging the subsistence cost back to the contractor; (2) Lists the total cost and the cost elements in the prior and current years for subsistence for Department of Defense civilians and contractors deployed to the Iraq and Afghanistan areas of operations and dining in DOD facilities; (3) Cites the Department's policy on the movement of freight in general and subsistence items specifically in and around the Iraq and Afghanistan theaters of operation; the method for ensuring the best value subsistence contracts are awarded; and describes the method for ensuring the most fuel efficient and effective mode of transportation is used; (4) Identifies the number of contractors and subcontractors supplying subsistence items to contractors and civilians deployed to the Iraq and Afghanistan areas of operations (by location); the number and types of subsistence contracts from local vendors in Iraq and Afghanistan, and the method and factors used to determine local vs. non local purchase of these items in and around the Iraq and Afghanistan theaters of operation; and (5) Provides the Department's policy on access to dining facilities in the theaters of operations and associated internal control procedures.

DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS

The Office of Management and Budget's [OMB] influence over the Department of Defense's public-private competitions is concerning. Section 325 of the 2008 National Defense Authorization Act (Public Law 110–181) prohibits OMB from directing or requiring any initiation, continuation, or completion of a public-private competition or the Department taking action based on such an OMB direction or requirement. Questions have been raised as to whether this provision is being implemented. If OMB continues to influence public-private competitions and contracting out of Federal employees at the Department of Defense stronger provisions may be warranted.

SUPPORT TO GLOBAL REPOSITIONING OF GROUND FORCES

The impact to the Army and Marine Corps of rebasing activities, particularly as large numbers of service members return from overseas bases to the continental United States [CONUS], must be addressed. The recommendation provides $408,000,000 to the Army's Facilities Sustainment, Restoration, and Modernization program and $92,000,000 to the Marine Corps' Facilities Sustainment, Restoration, and Modernization program to offset the growing infrastructure costs associated with the global repositioning of forces. These funds will be used to repair barracks, improve child care facilities, and enhance community services at Army and Marine Corps bases throughout the United States.

OPERATING TEMPO

The supplemental funding requested in the operation and maintenance accounts is largely a function of anticipating operating tempo for continuation of military operations in Afghanistan and Iraq through September 2008. The actual operating tempo in fiscal years 2007 and 2008 has differed from the estimated levels. Therefore, the recommendation provides operation and maintenance funding to account for the actual operating tempo.

THE JOINT STAFF

The recommendation includes no funding for the Combating Terrorism Readiness Fund because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

SPECIAL OPERATIONS COMMAND INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE [ISR] ACCELERATION

The recommendation includes an additional $76,450,000 in Operation and Maintenance, Defense-Wide to accelerate the fielding of ISR capabilities to Special Operations Command for use in missions pertaining to high value targets. The Secretary of Defense is urged to include sustainment costs for these items in future budget requests.

DEFENSE LOGISTICS AGENCY: LITHIUM BATTERIES SUPPLIES

Primary lithium batteries have been and remain a critical consumable warfighting asset for our military. A reliable and sustainable U.S. manufacturing source for these supplies is critical to maintaining the full warfighting capability of our military forces. The Defense Logistics Agency is encouraged to take the necessary actions to ensure that at least one supplier of $LiSO_2$ batteries and one supplier of $LiMnO_2$ batteries continue manufacturing in the United States with a reasonable sustaining rate of production.

DEFENSE THREAT REDUCTION AGENCY

The recommendation includes no funding for NIMBLE ELDER because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

FAMILY ADVOCACY PROGRAM

The recommendation includes $50,000,000 for family advocacy programs to provide counseling and family assistance including child psychologists, Parents as Teachers and other intervention efforts. This funding will enhance the activities of the Family Advocacy Program [FAP] and provide for children and families managing the difficult challenges of military service. There is concern about the growing need for family members to have access to professional counseling to help alleviate the mental stresses associated with deployments. These activities provide programs, products and services to help mitigate the disruption and stress in the military family when a service member is deployed, killed or seriously wounded.

DEFENSE HUMAN RESOURCES ACTIVITY

The recommendation includes no funding for Homeland Security Presidential Directive 12 because the requirement was funded through the Department of Defense Appropriations Act, 2008 (Public Law 110–116).

DEFENSE SECURITY COOPERATION AGENCY

The recommendation includes $800,000,000 for coalition support funds and $200,000,000 for lift and sustainment in Iraq and Afghanistan. It also includes an additional $150,000,000 for the Global Train and Equip Program. The Department of State is tasked to train and equip allied nations for counterterrorism operations, yet the Department of Defense continues to request funds to augment these efforts due to the global war on terror. Training allied nations is primarily the responsibility of the Department of State. As such, the administration is urged to request the appropriate level of funding for the Global Train and Equip Program entirely within the Department of State in the next fiscal year.

OFFICE OF THE SECRETARY OF DEFENSE

There is deep concern over the waste, fraud, and abuse that has occurred in the Department's contracting activities that support contingency operations overseas. The Office of the Under Secretary of Defense for Acquisition, Technology and Logistics [USD(AT&L)] is tasked with contractor oversight in forward areas of operations. In an effort to further many of the initiatives developed by USD(AT&L), the recommendation includes additional resources to fully fund these requirements, including: $8,000,000 for the Synchronized Predeployment and Operational Tracker [SPOT], $2,500,000 for the Joint Contingency Contract Support Office [JCCSO], $2,000,000 for Military Non Contracting Officer Training, and $400,000 for the Materiel Readiness Board [MRB]. The recommendation also includes $3,000,000 for the Wartime Contracting Commission, established by the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181), and $1,200,000 for the WMD Commission.

IRAQ FREEDOM FUND

The recommendation includes $50,000,000 for the Iraq Freedom Fund only for the Task Force to Improve Business and Stability Operations—Iraq to execute the Factory Restart Program.

AFGHANISTAN AND IRAQ SECURITY FORCES

Reprogramming.—The Department of Defense has been provided significant flexibility in executing this program in the past but new reprogramming procedures are required at this juncture. With respect to the Iraq Security Forces Fund and the Afghanistan Security Forces Fund, the Department is directed to submit prior approval reprogramming requests to the congressional

defense committees for proposed transfers of funds in excess of $20,000,000, to the Infrastructure subactivity groups or other construction related projects.

Infrastructure.—The Department of Defense is directed to provide the congressional defense committees with a detailed report by August 1, 2008 on current and future infrastructure requirements for the Iraq and Afghanistan Security Forces. The report shall detail all infrastructure projects that have been previously funded, projects that are planned, and projects that require future funding from either the United States or the Governments of Iraq and Afghanistan. The projects shall be broken out by Ministry of Defense and Ministry of Interior requirements, year or projected year of funding, source of funding, and current status of project.

Logistics.—The Iraq Security forces will not be able to operate independent of coalition support unless they have an organic logistics capability of their own. The Department of Defense is directed to provide the congressional defense committees with a report no later than 30 days after enactment of this act, on the plan for an independent logistics capability within the Iraq Security Forces. The plan should address required support facilities at the national, regional, and base levels, motor transport capabilities, life support self sufficiency, logistics training, mechanics training, ammunition re-supply (decentralization, distribution, and security), fuel (decentralization, distribution, and security), medical supply and services, and depot warehousing, maintenance, and capacity. The report should also include a resource plan to reach these goals.

Trainers.—There is deep concern that the Department of Defense has only been able to resource 44 percent of the required trainers for the Afghan National Army and only 39 percent for the Afghan National Police. While progress is being made on training and equipping these forces, the shortfall of capable trainers severely hampers our ability to further this momentum. There are enormous demands for this low density skill to support this mission, and the recommendation provides the Department $50,000,000 for additional contract personnel to address this shortfall, including: $25,000,000 for the training of the Afghanistan National Army for mentors at the corps and brigade levels for intelligence, communications, operations, and force protection, for contract mobile training teams, and for contract Counter Insurgency Academy instructors; and $25,000,000 for the training of the Afghanistan National Police to include contract logistics system mentors, and contractors for the Afghanistan National Police National Training Center.

PISTOLS FOR AFGHAN ARMY AND AFGHAN NATIONAL POLICE

Poor quality pistols were provided to the Afghan National Police and the Afghan National Army in 2005 and 2006. While they have no record of manufacturing defects in service, the 5,000 pistols purchased for the Afghan National Army, and the 51,175 purchased for the Afghan National Police, under the U.S. Foreign Military Sales program, through the U.S. Army Security Assistance Command, lack important features desired in a quality service pistol. A key missing feature is a positive external safety mechanism, although the pistol does have a trigger safety. It appears that there were two prominent motivations for selection of the current 9mm pistol. The first was cost, and for the Afghan National police, the second key consideration was the fact that the pistol already was in service with the Afghan National Army. Based on concerns expressed by U.S. trainers, ongoing procurements of pistols under 2007 and 2008 contracts are delivering a pistol manufactured with the desired features that were lacking in the pistols procured in 2005 and 2006. Future purchases will be made by competitive bid and the requirements will specify features consistent with the U.S. M9 service pistol. The government agencies of the United States and Afghanistan are commended for having made these appropriate adjustments in the acquisition of pistols for the Afghan National Army and Afghan National Police. They are cautioned that haste and incomplete definition of requirements, and inadequate testing, can lead to acquisition of military equipment that once in use by the military may prove to be inadequate in performance, reliability and safety. Finally, the Department of Defense and the Department of State are urged to work cooperatively to ensure that programs for the provision of equipment to the Afghan National Army and Afghan National Police employ rigorous requirements definition and disciplined contracting procedures, and that the Secretary of Defense initiate a review of the utility of pistols provided to the Afghan National Army and Afghan National Police under U.S. Foreign Military Sales transactions and assist where necessary in the replacement and demilitarization of inferior pistols.

PROCUREMENT

An appropriation of $42,006,355,000 is recommended for Procurement.

The recommendations for each procurement account are shown below:

[In thousands of dollars]

Account	Committee recommendation
AIRCRAFT PROCUREMENT, ARMY:	
UTILITY FIXED WING CARGO AIRCRAFT	7,500
GUARDRAIL MODS (TIARA)	33,000
ARL MODS (TIARA) (Note: Includes $3,000,000 for Airborne ISR Sensor Reset)	28,000
AH–64 MODS	70,000
CH–47 CARGO HELICOPTER MODS	311,107
UH–60 MODS (Note: Includes $30,000,000 for A to L Initiative, and $14,650,000 for Aircraft Safety Enhancements)	44,650
KIOWA WARRIOR	38,000
ASE INFRARED CM	403,535
COMMON GROUND EQUIPMENT	356
AIRCREW INTEGRATED SYSTEMS	10,200
AIR TRAFFIC CONTROL	7,763
TOTAL, AIRCRAFT PROCUREMENT, ARMY	954,111
MISSILE PROCUREMENT, ARMY:	
HELLFIRE MSL (BASIC/IHW/HFII)	228,426
JAVELIN	121,210
GUIDED MLRS ROCKET (GMLRS)	67,200
ARMY TACTICAL MISSILE SYSTEM (ATACMS) BLK IA (Note: Funds 84 unitary missiles)	92,000
PATRIOT MODS	25,000
ITAS/TOW MODIFICATIONS	27,820
TOTAL, MISSILE PROCUREMENT, ARMY	561,656
PROCUREMENT OF W&TCV, ARMY:	
BRADLEY BASE SUSTAINMENT	921,000
STRYKER VEHICLE	1,989,581
FIST VEHICLE (MOD)	65,000
BRADLEY FIGHTING VEHICLE SYSTEMS SERIES (MOD)	84,900
HOWITZER, MED SP FT 155MM M109A6 (MOD)	41,211
M1 ABRAMS TANK (MOD)	388,585
HOWITZER, LIGHT, TOWED, 105MM, M119	17,600
IMPROVED RECOVERY VEHICLE (M88 MOD)	25,000
ABRAMS UPGRADE PROGRAM (M1A2 SEP)	1,100,000
M240 MEDIUM MACHINE GUN (7.62mm)	61,541
MACHINE GUN, CAL .50 M2 ROLL	27,327
M249 SAW MACHINE GUN, 5.56MM (SAW)	1,784
MK–19 GRENADE MACHINE GUN (40mm)	30,614
MORTAR SYSTEMS (Note: Includes $15,000,000 for Expanded Organic Mortar Capability)	48,459
M107, CAL 50, SNIPER RIFLE	402
XM320 GRENADE LAUNCHER MODULE (GLM)	3,500
M4 CARBINE	79,469
SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	2,400
COMMON REMOTELY OPERATED WEAPONS STATION (CROWS)	210,000
HOWITZER, LT WT 155MM	52,000
M4 CARBINE MODS	125,115
M2 50 CAL MACHINE GUN MODS	5,000
M249 SAW MACHINE GUN MODS	7,056
M240 SAW MACHINE GUN MODS	3,271
PHALANX MODS	150,000
MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	14,454
SMALL ARMS EQUIPMENT (SOLDIER ENHANCEMENT PROGRAM)	8,202

[In thousands of dollars]

Account	Committee recommendation
TOTAL, PROCUREMENT OF W&TCV, ARMY	5,463,471
PROCUREMENT OF AMMUNITION, ARMY:	
7.62MM ALL TYPES	10,000
CTG, .50 CAL, ALL TYPES	13,500
40MM ALL TYPES	9,300
MODULAR ARTILLERY CHARGE SYSTEM, ALL TYPES	2,000
SHOULDER FIRED ROCKETS ALL TYPES	20,000
ROCKET, HYDRA 70, ALL TYPES	8,000
DEMOLITION MUNITIONS ALL TYPES	8,000
GRENADES ALL TYPES	10,000
SIMULATORS ALL TYPES	8,000
NON-LETHAL AMMUNITION ALL TYPES	54,000
ITEMS LESS THAN $5M	1,500
PROVISION OF INDUSTRIAL FACILITIES	200,600
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	344,900
OTHER PROCUREMENT, ARMY:	
TACTICAL TRAILERS/DOLLY SETS	232,316
SEMITRAILERS, FLATBED	37,840
SEMITRAILERS, TANKERS	67,318
HI MOB MULTI-PURP WHEELED VEHICLE (HMMWV) (Note: Includes $23,500,000 for Roll Over Trainers for Home Station, Mob Station, and Theater)	1,621,530
FAMILY OF MEDIUM TACTICAL VEH (FMTV)	793,600
FIRE TRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT	45,524
FAMILY OF HEAVY TACTICAL VEH (FHTV) (Note: Includes $185,000,000 for HEMTT Wrecker)	2,324,519
ARMORED SECURITY VEHICLES (ASV)	309,354
MINE PROTECTION VEHICLE FAMILY	179,440
TRUCK, TRACTOR, LINE HAUL, M915/M916	520,302
HEAVY EXPANDED MOBILE TACTICAL TRUCK EXTENDED SERVICE	273,148
HMMWV RECAPITALIZATION PROGRAM	325,000
MODIFICATION OF IN-SERVICE EQUIPMENT (Note: Includes $13,000,000 for Kevlar Overhead Protective Gunners Kits, and $7,000,000 for Spark Mine Rollers)	959,599
HEAVY ARMORED SEDAN	3,500
PASSENGER CARRYING VEHICLES	5,000
NONTACTICAL VEHICLES, OTHER	600
SHF TERM	22,822
SAT TERM, EMUT (SPACE)	9,800
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	28,000
SMART-T (SPACE)	2,041
MOD OF IN-SVC EQUIP (TAC SAT) (Note: Funds additional communications links (SIPR/NIPR))	38,100
ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,510
ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	23,540
SINCGARS FAMILY	500,347
BRIDGE TO FUTURE NETWORKS	1,748,371
COMMS-ELEC EQUIP FIELDING	4,000
COMBAT SURVIVOR EVADER LOCATOR (CSEL) (Note: Includes $35,000,000 for CSEL Radios for ARNG and SOF)	120,000
RADIO, IMPROVED HF (COTS) FAMILY	455,000
MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	74,655
CI AUTOMATION ARCHITECTURE	7,410
TSEC—ARMY KEY MGT SYS (AKMS)	75,600
INFORMATION SYSTEM SECURITY PROGRAM-ISSP (Note: Includes $10,500,000 for Biometric Automated Tool Sets)	143,891
INFORMATION SYSTEMS	9,546
ALL SOURCE ANALYSIS SYS (ASAS) (MIP)	103,500
PROPHET GROUND (MIP)	23,000
TACTICAL UNMANNED AERIAL SYS (TUAS) MIP	233,245
SMALL UNMANNED AERIAL SYSTEM (SUAS)	24,174
DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	3,800
TACTICAL EXPLOITATION SYSTEM (MIP)	19,500
DCGS–A (MIP)	62,331
ITEMS LESS THAN $5.0M (MIP)	15,300
LIGHTWEIGHT COUNTER MORTAR RADAR	10,470
COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	149,937
NIGHT VISION DEVICES (Note: Includes $30,000,000 for Mini-Thermal Binoculars)	435,394
NIGHT VISION, THERMAL WEAPON SIGHT	50,000
RADIATION MONITORING SYSTEMS	1,554
COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	245,000
ARTILLERY ACCURACY EQUIP	2,800
ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SETTER	87
PROFILER	75,483
MOD OF IN-SVC EQUIP (Firefinder Radars)	21,500
FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	425,110
LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR)	57,000
COMPUTER BALLISTICS: LHMBC XM32	10,550
MORTAR FIRE CONTROL SYSTEM	6,192
COUNTERFIRE RADARS	174,000
INTEGRATED MET SYS SENSORS (IMETS)—MIP	1,400
TACTICAL OPERATIONS CENTERS	263,709
FIRE SUPPORT CMD & CONTROL C2 FAMILY	19,248
FAAD C2	21,500
AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD PCS)	45,200
KNIGHT FAMILY	18,077
AUTOMATIC IDENTIFICATION TECHNOLOGY	71,030
TC AIMS II	56,290
TACTICAL INTERNET MANAGER	12,400
MANEUVER CONTROL SYSTEM (MCS)	57,905
SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	77,681
AUTOMATED DATA PROCESSING EQUIPMENT	9,949
CSS COMMUNICATIONS	227,879
SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	12,813
RECONNAISSANCE SYSTEMS, NUCLEAR BIOLOGICAL	72,000
CBRN SOLDIER PROTECTION	83,065
SMOKE & OBSCURANT FAMILY: SOF	1,098
TACTICAL BRIDGING	60,000
TACTICAL BRIDGE, FLOAT-RIBBON	42,500
GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS) (Note: Funds Explosive Detection Equipment—FLIR)	19,500
EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,650
HEATERS AND ENVIRONMENTAL CONTROL UNITS	13,512
LAUNDRIES, SHOWERS, AND LATRINES	5,200
SOLDIER ENHANCEMENT (Note: Includes $102,000,000 for Land Warrior)	110,757
FORCE PROVIDER	9,000
FIELD FEEDING EQUIPMENT	12,060
CARGO AERIAL DELIVERY PROGRAM	49,150
QUALITY SURVEILLANCE EQUIPMENT	65,364
DISTRIBUTION SYSTEMS, PETROLEUM & WATER	64,549
WATER PURIFICATION SYSTEMS	8,135
COMBAT SUPPORT MEDICAL	8,078
MOBILE MAINTENANCE	265,625
GRADER, MTZD, HVY	788
SCRAPERS, EARTHMOVING	1,438
LOADERS	9,502
HYDRAULIC EXCAVATOR	400

[In thousands of dollars]

Account	Committee recommendation
CRANES	30,000
HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	14,609
CONST EQUIP ESP	9,500
GENERATORS AND ASSOCIATED EQUIPMENT	152,258
ROUGH TERRAIN CONTAINER HANDLER	109,414
ALL TERRAIN LIFTING ARMY SYSTEM	33,381
TRAINING DEVICES, NONSYSTEM	342
CALIBRATION SETS EQUIPMENT	57,307
INTEGRATED FAMILY OF TEST EQUIPMENT	133,918
TEST EQUIPMENT MODERNIZATION (TEMOD)	10,840
RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	50,592
PHYSICAL SECURITY SYSTEMS (OPA3) (Note: Funds Unattended Sensors for Situational Awareness)	2,791
MODIFICATION OF IN-SVC EQUIP (OPA3)	23,007
BUILDING PRE-FAB RELOCATABLE	134,469
CLASSIFIED PROGRAMS	570
AMC CRITICAL ITEMS	131,740
WARLOCKS	34,000
BASE EXPEDITIONARY TARGETING SURVEILLANCE SYSTEMS—COMBINED (BETSS–C)	490,000
TOTAL, OTHER PROCUREMENT, ARMY	16,337,340
AIRCRAFT PROCUREMENT, NAVY:	
EA–18G (Note: Provides 3 aircraft)	225,000
F/A–18E/F (FIGHTER) HORNET (MYP) (Note: Provides 13 aircraft)	768,040
V–22 (MEDIUM LIFT) (Note: Provides 2 aircraft)	140,500
MH–60S (MYP) (Note: Provides 2 aircraft)	68,200
MH–60R (Note: Provides 2 aircraft)	70,400
KC–130J (Note: Provides 9 aircraft)	602,400
EA–6 SERIES	192,500
AV–8 SERIES (Note: Funding for Litening Pods)	3,200
F–18 SERIES	60,264
H–46 SERIES	18,200
AH–1W SERIES	33,974
H–53 SERIES (Note: No funding for AMARC or IMDS)	63,700
SH–60 SERIES	6,696
H–1 SERIES	42,134
P–3 SERIES	313,900
C–130 SERIES	28,100
EA–6 SERIES	1,000
EXECUTIVE HELICOPTERS SERIES	3,360
SPECIAL PROJECT AIRCRAFT	5,610
POWER PLANT CHANGES	6,300
COMMON ECM EQUIPMENT	136,000
COMMON DEFENSIVE WEAPON SYSTEM (Note: Funds Marine Corps Helicopter Defensive Weapons)	3,500
V–22 (TILT/ROTOR ACFT) OSPREY SERIES (Note: Includes funding for Defensive Weapon System)	45,992
SPARES AND REPAIR PARTS (Note: Includes funding for UH–1Y first deployment)	412,412
COMMON GROUND EQUIPMENT	9,800
WAR CONSUMABLES	16,072
SPECIAL SUPPORT EQUIPMENT	286,000
TOTAL, AIRCRAFT PROCUREMENT, NAVY	3,563,254
WEAPONS PROCUREMENT, NAVY:	
TOMAHAWK (Note: Provides 123 missiles)	103,460
SLAM-ER (Note: Provides 9 missile kits)	13,500
HELLFIRE (Note: Provides 525 missiles)	44,000
SMALL ARMS AND WEAPONS	22,196
CIWS MODS	67,000
MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM	67,300
TOTAL, WEAPONS PROCUREMENT, NAVY	317,456
PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS:	
JOINT DIRECT ATTACK MUNITION (JDAM)	5,000
AIR EXPENDABLE COUNTERMEASURES	6,625
OTHER SHIP GUN AMMUNITION	42
SMALL ARMS AND LANDING PARTY AMMUNITION	32,928
PYROTECHNIC AND DEMOLITION	63
SMALL ARMS AMMUNITION	27,644
LINEAR CHARGES, ALL TYPES	3,874
40 MM, ALL TYPES	23,096
60 MM, ALL TYPES	30,252
81 MM, ALL TYPES	35,002
120 MM, ALL TYPES	59,021
CTG 25 MM, ALL TYPES	671
GRENADES, ALL TYPES	9,384
ROCKETS, ALL TYPES	8,273
ARTILLERY, ALL TYPES	51,033
DEMOLITION MUNITIONS, ALL TYPES	3,538
FUZE, ALL TYPES	881
NON LETHALS	5,615
AMMO MODERNIZATION	2,002
ITEMS LESS THAN $5 MILLION	1
TOTAL, PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS	304,945
OTHER PROCUREMENT, NAVY:	
POLLUTION CONTROL EQUIPMENT	11,000
STANDARD BOATS	19,396
TACTICAL SUPPORT CENTER	3,060
SHIPBOARD IW EXPLOIT (Note: No funding for DDG–51 equipment)	28,000
SUBMARINE SUPPORT EQUIPMENT PROGRAM (Note: No funding for antenna upgrades)	17,100
GCCS–M EQUIPMENT	920
MATCALS	26,890
COMMON IMAGERY GROUND SURFACE SYSTEM	38,000
SHIP COMMUNICATIONS AUTOMATION	12,021
EXPEDITIONARY AIRFIELDS	29,750
METEOROLOGICAL EQUIPMENT (Note: No funding for NITES upgrades)	5,300
EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	73,400
PASSENGER CARRYING VEHICLES	4,530
CONSTRUCTION & MAINTENANCE EQUIPMENT	111,100
TACTICAL VEHICLES	104,615
AMPHIBIOUS EQUIPMENT	350
ITEMS UNDER $5 MILLION (Note: Includes $3,600,000 for Rugged Deployable Satellite Communications)	126,331
MATERIALS HANDLING EQUIPMENT	832
SPECIAL PURPOSE SUPPLY SYSTEMS	695,000
COMMAND SUPPORT EQUIPMENT	40,109
C4ISR EQUIPMENT	16,900
PHYSICAL SECURITY EQUIPMENT	34,306
SPARES AND REPAIR PARTS	225

[In thousands of dollars]

Account	Committee recommendation
TOTAL, OTHER PROCUREMENT, NAVY	1,399,135
PROCUREMENT, MARINE CORPS:	
AAV7A1 PRODUCT IMPROVEMENT PROGRAM (PIP)	26,567
LIGHT ARMORED VEHICLE (LAV) PIP	43,901
IMPROVED RECOVERY VEHICLE (IRV)	8,247
M1A1 FIREPOWER ENHANCEMENTS	90
155MM LIGHTWEIGHT TOWED HOWITZER	62,400
WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	16,695
MODULAR WEAPON SYSTEM	17,098
MODIFICATION KITS (BA2)	14,706
WEAPONS ENHANCEMENT PROGRAM	34,223
JAVELIN	10,000
MODIFICATION KITS (BA3)	949
UNIT OPERATIONS CENTER (Note: Includes one year logistics support)	84,700
REPAIR AND TEST EQUIPMENT	7,638
COMBAT SUPPORT SYSTEM	8,435
MODIFICATION KITS (BA4)	15,584
ITEMS UNDER $5M (COMM & ELEC INFRASTRUCTURE SUPPORT)	2,409
AIR OPERATIONS C2 SYSTEMS	78,593
RADAR SYSTEMS	22,900
FIRE SUPPORT SYSTEM	18,075
INTELLIGENCE SUPPORT EQUIPMENT	26,348
NIGHT VISION EQUIPMENT	153,631
COMMON COMPUTER RESOURCES	87,410
COMMAND POST SYSTEMS	43,416
RADIO SYSTEMS (Note: No funding for Enhanced Land Mobile Radios)	359,765
COMMUNICATIONS SWITCHING & CONTROL SYSTEMS	22,913
5/4T TRUCK HMMWV (MYP)	197,683
MOTOR TRANSPORT MODIFICATIONS	377,962
MEDIUM TACTICAL VEH REPLACEMENT	13,676
TRAILERS	43,000
FAMILY OF TACTICAL TRAILERS	4,402
ITEMS LESS THAN $5 MILLION (BA5)	8,048
ENVIRONMENTAL CONTROL EQUIPMENT ASSORTED	2,829
BULK LIQUID EQUIPMENT	13,189
TACTICAL FUEL SYSTEMS	21,702
POWER EQUIPMENT ASSORTED	76,080
AMPHIBIOUS SUPPORT EQUIPMENT	6,343
EOD SYSTEMS	124,563
MATERIAL HANDLING EQUIPMENT	17,242
TRAINING DEVICES	30,300
CONTAINER FAMILY	18,032
FAMILY OF CONSTRUCTION EQUIPMENT	37,383
FAMILY OF INTERNALLY TRANSPORTED VEHICLE (ITV)	18,000
BRIDGE BOATS	13,195
RAPID DEPLOYABLE KITCHEN	68
ITEMS LESS THAN $5 MILLION (BA6)	4,007
SPARES AND REPAIR PARTS	2,993
TOTAL, PROCUREMENT, MARINE CORPS	2,197,390
AIRCRAFT PROCUREMENT, AIR FORCE:	
C–17 (Note: Includes funding for 15 C–17 aircraft)	3,604,500
C–130J (Note: Includes funding for 18 C–130J aircraft and 7 MC–130J aircraft)	1,802,300
CV–22 OSPREY (Note: deletes funding for initial spares)	375,900
REAPER UAV (Note: Includes funding for 18 Reaper systems)	340,700
B–1 (Note: No funding included for Digital Mission Recorder)	40,100
B–52	10,395
F–15 (Note: Funding not included for BLOS, Tactical Targeting Network and 56 JHMCS)	139,158
F–16 (Note: Includes no less than $50,000,000 for the Air National Guard SLOS/BLOS radios and targeting pods upgrades)	72,900
C–5 (Note: Fully funds aft crown skin project)	27,400
C–17	72,000
C–32	43,000
C–37	11,000
C–40	39,000
C–130 (Note: Includes radar upgrades for LC–130 aircraft)	152,640
COMPASS CALL	6,500
DARP	40,000
E–3	25,000
HH–60	6,900
INITIAL SPARES/REPAIR PARTS	36,900
AIRCRAFT REPLACEMENT SUPPORT EQUIPMENT	100,000
OTHER WAR CONSUMABLES	68,900
OTHER PRODUCTION CHARGES	88,730
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	7,103,923
MISSILE PROCUREMENT, AIR FORCE:	
PREDATOR HELLFIRE MISSILE	65,143
ADVANCED CRUISE MISSILE MODS	600
INITIAL SPARES/REPAIR PARTS	1,200
TOTAL, MISSILE PROCUREMENT, AIR FORCE	66,943
PROCUREMENT OF AMMUNITION, AIR FORCE:	
SMALL ARMS	25,400
CARTRIDGES	33,954
GENERAL PURPOSE BOMBS	7,887
JOINT DIRECT ATTACK MUNITIONS	13,094
ITEMS LESS THAN $5 MILLION	12,100
FLARES	112,545
FUZES	475
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	205,455
OTHER PROCUREMENT, AIR FORCE:	
PASSENGER CARRYING VEHICLES	23,396
MEDIUM TACTICAL VEHICLE	34,939
SECURITY AND TACTICAL VEHICLES (Note: Includes MRAP adjustment)	66,124
FIRE FIGHTING/CRASH RESCUE VEHICLES	15,200
HALVORSEN LOADER	19,500
RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT	6,987
ITEMS LESS THAN $5 MILLION (VEHICLES)	12,500
NATIONAL AIRSPACE SYSTEM	4,200
GENERAL INFORMATION TECHNOLOGY (Note: No funds for POM–X)	7,776
AIR FORCE PHYSICAL SECURITY SYSTEM (Note: Funding not included for C-RAM and CROWS)	4,500
GLOBAL COMBAT SUPPORT SYSTEM—AF FAMILY OF SYSTEMS	7,500
DEFENSE MESSAGE SYSTEM	400
BASE INFORMATION INFRASTRUCTURE (Note: only for ANG installations)	52,000

[In thousands of dollars]

Account	Committee recommendation
SPACELIFT RANGE SYSTEM SPACE	10,000
CONTINGENCY OPERATIONS	9,200
ITEMS LESS THAN $5 MILLION (BASE SUPPORT) (Note: Includes $12,000,000 for Intelligence Communications Equipment and no funding for Senior Leader in Transit Conference Capsules)	61,000
DISTRIBUTED GROUND SYSTEMS	56,000
CLASSIFIED PROGRAMS	1,561,945
TOTAL, OTHER PROCUREMENT, AIR FORCE	1,953,167
PROCUREMENT, DEFENSE-WIDE:	
MAJOR EQUIPMENT, DHRA	7,800
CV–22	173,800
C–130 MODS	65,000
SMALL ARMS AND WEAPONS	1,365
UNMANNED VEHICLES	14,550
SOF OPERATIONAL ENHANCEMENTS	59,000
CLASSIFIED PROGRAMS	86,694
TOTAL, PROCUREMENT, DEFENSE-WIDE	408,209
NATIONAL GUARD AND RESERVE EQUIPMENT:	
ARMY RESERVE	150,000
ARMY NATIONAL GUARD	675,000
TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	825,000

ARMY AVIATION

Urgent needs have been identified in certain Army aviation programs. Accordingly, the recommendation provides additional funding as follows: $30,000,000 for UH–60A to UH–60L modifications, to remanufacture 30 aircraft; $14,650,000 for UH–60 aircraft safety enhancements; $38,000,000 for Kiowa Warrior Safety Enhancement program; and $196,100,000 for Army fixed and rotary wing aircraft survivability enhancements in infrared countermeasures.

There is strong support for the Army plan to replace the aging Kiowa Warrior fleet with Armed Reconnaissance Helicopters [ARH] as soon as possible. However, the funding provided in the Department of Defense Appropriations Act, 2008 fully funded the ARH production capacity for fiscal year 2008. Accordingly, the recommendation includes no additional funding for the Armed Reconnaissance Helicopter program.

M4 CARBINE

Numerous concerns have been raised about continued procurement of the M4 carbine. These concerns range from performance issues (such as jamming in dusty environments) to the current sole source contract. The Army recently conducted tests on the M4 and similar weapons in the same class to assess its performance. The Army is also evaluating the capability of the M4 and other weapons to determine if a new performance requirement is needed. To allay the concerns regarding performance and competition in contracting, the Secretary of the Army is directed to provide a report to the congressional defense committees no later than June 15, 2008, on the findings of the recent comparative capability assessment and with a determination as to whether a change in the acquisition strategy is needed.

FAMILY OF MEDIUM TACTICAL VEHICLES

The recommendation includes $793,600,000 for the Family of Medium Tactical Vehicles program. This funding level includes $94,000,000 to reimburse the program for funds that were used under rapid acquisition authority to procure Sky Warrior intelligence, surveillance and reconnaissance assets.

SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM [SINCGARS]

The recommendation includes $500,347,000 for the procurement of SINCGARS radios, which will fully fund Army SINCGARS radio requirements for fiscal year 2008. However, the Army has yet to fully address certain issues including concerns of the Army Science Board regarding SINCGARS compatibility with the Joint Tactical Radio System [JTRS], encryption modernization, and compatibility with local first responder radios. The Army is urged to move forward with a plan that addresses these and other urgent tactical radio issues.

The Army has recently updated the acquisition strategy for the SINCGARS family of radios and has released a market survey seeking sources of supply that are compliant with the operational requirements. The Army is encouraged to implement ''best value'' selection criteria in any upcoming competition where the operational requirements are stated as the minimum needed and advanced capabilities and features would be evaluated according to the value they bring above that minimum functionality level. Not more than 60 days after enactment of this act, the Secretary of the Army shall provide a report and briefing to the Committees on Appropriations of the House of Representatives and the Senate addressing the acquisition objective; encryption modernization and capability enhancement; alignment with the JTRS program; and a procurement plan that includes a strategy for full, fair and open competition.

MARITIME PATROL AIRCRAFT

The Navy has recently grounded 39 P–3 Orion Maritime Patrol Aircraft due to wing cracking discovered during inspections. These aircraft have logged significant hours flying in support of the Global War on Terror. To keep these aircraft flying until the replacement Multi-Mission Aircraft (P–8A Poseidon) is fielded, $313,900,000 is provided for the procurement and installation of wing repair kits.

MARINE CORPS AIRCRAFT DEFENSIVE WEAPONS

Marine Corps aircraft deployed in theater should have a capable self defense system. Some of the deployed Marine Corps aircraft have less than capable or outdated defensive systems. To improve the capability of deployed Marine Corps aircraft, $15,000,000 is provided for the procurement of defensive weapons for V–22 aircraft and $3,500,000 is provided for the procurement of defensive weapons for CH–46 aircraft.

GROW THE FORCE—MARINE CORPS

The recommendation provides funds identified by the Marine Corps associated with growing the size of its force, to include $26,400,000 for lightweight 155mm howitzers, $12,000,000 for weapons, $43,000,000 for trailers and $144,000,000 for armored vehicle sets.

MARINE CORPS GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM [G–BOSS]

The fiscal year 2008 supplemental request included $640,000,000 for G–BOSS, a capability that will provide updated base security for the Marine Corps. Public Law 110–161 provided $340,000,000 of that total program requirement. Briefings with the Marine Corps and the Joint Improvised Explosive Device Defeat Organization [JIEDDO] indicate that JIEDDO will fund the remaining G–BOSS requirement of $300,000,000.

C–17 GLOBEMASTER

In light of increases to both the Army and Marine Corps end-strength and the emerging lift needs of the Future Combat System, the Department of Defense has not adequately assessed strategic lift requirements. The need for an accurate assessment is critical because the C–17 aircraft production line is facing shut-down in the very near-term. As a prudent course of action to avoid plant shutdown before the requirement is fully assessed, the recommendation provides $3,604,500,000 to procure 15 C–17 aircraft.

C/KC/MC–130J PROCUREMENT

An appropriation of $2,469,700,000 is recommended for the procurement of 34 C/KC/MC–130J aircraft. Given the age and usage of the C–130, KC–130 and MC–130 fleets, it is justifiable to acquire replacement aircraft faster and in higher quantities in order to drive down unit acquisition costs and operating costs. Therefore, the recommendation fully funds 18 C–130J aircraft, seven MC–130J aircraft and nine KC–130J aircraft. These funds are provided with the expectation that the Department of Defense will proceed expeditiously with negotiations to enter into a follow-on joint multi-year procurement contract in order to lock in lower acquisition prices. It is anticipated that the savings achieved with a multi-year procurement contract will be applied to the associated economic order quantity requirement.

LARGE AIRCRAFT INFRARED COUNTERMEASURES [LAIRCM]

The fiscal year 2007 supplemental provided $112,400,000 to install LAIRCM on C–37 aircraft at an estimated cost of $11,200,000 per aircraft. Due to discounts offered by the vendor and installer for subsequent aircraft, each additional aircraft modification was approximately 50 percent of the original estimate, resulting in a savings of $55,000,000. The Secretary of the Air Force is directed to use the savings to fund the LAIRCM modification for C–20B and C–20H aircraft. These aircraft are not currently tasked for missions into areas where man-portable, shoulder-fired, infrared seeking anti-aircraft missile countermeasures are required. Passengers are transferred to combat aircraft such as the C–130 and C–17 that are equipped with countermeasure equipment. These modifications will allow the C–20B/H aircraft to be tasked for missions directly into areas

where countermeasures are required and, thus, negate the need for combat aircraft to be diverted for these missions.

HANDGUN REPLACEMENT

The recommendation includes no funding for the Air Force to replace its handgun. $5,000,000 was provided in fiscal year 2007 to perform a study on replacing the handgun that was not executed because there was no validated requirement for a new handgun. This remains an unsubstantiated need for fiscal year 2008 supplemental funds and the Air Force is urged to request funds in the baseline account if it intends to pursue this program in the future.

NATIONAL GUARD AND RESERVE EQUIPMENT

The recommendation for the National Guard and Reserve Equipment Account is $825,000,000. Of this amount, $675,000,000 is for the Army National Guard and $150,000,000 is for the U.S. Army Reserve to meet urgent equipment needs that may arise this fiscal year. This funding will allow the Army Guard and Army Reserve to procure high priority items such as: AH–64 helicopter modifications from A model to D model for the Army Guard; HH–60 Blackhawk medical evacuation helicopters for the Army Reserve; UH–60 helicopter model A to L conversions; HMMWV utility vehicles; Heavy Expanded Mobile Tactical Trucks; Liquid Logistics Storage and Distribution Systems; sniper detection devices; MILSATCOM, NAVSTAR GPS, and other communications equipment; Night Vision equipment; psychological operations equipment; Water Purification Systems; Air Traffic Control Simulator Systems; Light Medium and Medium Tactical Vehicles; trucks, tractors, and line haul equipment; Armored Security Vehicles; Joint Service Transportable Decontamination Systems -Small Scale [JSTDS–SS]; Logistics Automation Systems [SAMS–E, CAISI, and VSAT]; and tactical bridging and power generating equipment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

An appropriation of $1,745,483,000 is recommended for Research, Development, Test and Evaluation.

The recommendations for each research, development, test and evaluation account are shown below:

[In thousands of dollars]

Account	Committee recommendation
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY:	
MILITARY ENGINEERING ADVANCED TECHNOLOGY (Note: Includes development of surveillance technology)	5,000
SOLDIER SUPPORT AND SURVIVABILITY	10,000
INFANTRY SUPPORT WEAPONS	8,158
FAMILY OF HEAVY TACTICAL WHEELS (Note: Adapt SPARK Mine Rollers to OEF)	3,400
LIGHT TACTICAL WHEELED VEHICLES	10,000
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE	38,900
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	2,000
INFORMATION TECHNOLOGY DEVELOPMENT (Note: Includes $16,000,000 for Enhanced DIHMRS Capability)	21,000
INFORMATION SYSTEMS SECURITY PROGRAM	23,300
WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	3,800
JOINT COMMAND AND CONTROL PROGRAM	6,200
DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,000
BASE EXPEDITIONARY TARGETING SURVEILLANCE SYSTEMS—COMBINED (BETSS–C)	10,000
FUEL PRICE INCREASE—KWAJALEIN	6,000
LIGHT WEIGHT MISSILE LAUNCHER	9,200
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	162,958
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY:	
USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) (Note: Includes funding for IED Detection Program)	17,000
RETRACT LARCH	18,800
RETRACT MAPLE	3,400
LINK EVERGREEN	47,200
NON-LETHAL WEAPONS (Note: Funds only for ADS and Silent Guardian)	7,000
OTHER HELICOPTER DEVELOPMENT (Note: Includes funding for CH–53 VDE)	5,000
AV–8B AIRCRAFT—ENGINE DEVELOPMENT	6,406
V–22A (Note: Funding for Defensive Weapons System)	14,000
ELECTRONIC WARFARE (EW) DEVELOPMENT	8,676
MEDICAL DEVELOPMENT (Note: Includes funding for wound care research)	10,000
INFORMATION TECHNOLOGY DEVELOPMENT	800
SHIP AND AIRCRAFT SUPPORT	8,952
MARINE CORPS COMMS SYSTEMS (Note: Funds only for GBOSS, CREW, CESAS, and TPS–59)	55,500
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS (Note: No funds for PERM)	10,600
MARINE CORPS CMBT SERVICES SUPT (Note: Funds only for M1A1 Crew Weapon and Test Equipment)	1,075
AIRBORNE RECONNAISSANCE SYSTEMS	11,000
MANNED RECONNAISSANCE SYSTEMS	32,000
CLASSIFIED PROGRAMS	108,701
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	366,110
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE:	
MATERIALS	3,700
ADVANCED MATERIALS FOR WEAPON SYSTEMS	5,900
AEROSPACE TECHNOLOGY DEV/DEMO	300
B–1B	40,000
SMALL DIAMETER BOMB	7,900
ARMAMENT/ORDNANCE DEVELOPMENT	4,200
TEST AND EVALUATION SUPPORT (Note: Includes $300,000 for deployed civilians and $18,818,000 for fuel cost increase)	19,118
FACILITY RESTORATION AND MODERNIZATION-T&E	1,610
CLASSIFIED PROGRAMS	7,700
NIGHT FIST USSTRATCOM	1,640
F–16 SQUADRONS (Note: Only for BLOS for SINCGARS)	7,700
COMPASS CALL	5,600
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROG (CIP)	16,000
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYS (JSTARS)	185,499
DRAGON U–2 (JMIP)	660
AIRBORNE RECONNAISSANCE SYSTEMS	1,520
GLOBAL HAWK UAV (Note: Only for fixing imagery and shading issues)	800
CLASSIFIED PROGRAMS	89,970
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	399,817
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE:	
AEGIS BALLISTIC MISSILE DEFENSE (Note: Only for activities associated with the February 2008 satellite intercept)	112,360
GENERAL SUPPORT TO USD	26,374
CLASSIFIED PROGRAMS USD (P)	15,000
DHRA—WOUNDED WARRIOR	20,300
CRITICAL INFRASTRUCTURE PROGRAM (CIP)	4,500
DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,170
SOF OPERATIONAL ENHANCEMENTS	2,270
MANAGEMENT HEADQUARTERS (JCS)	1,028
UNMANNED VEHICLES (Note: Only for Global Observer)	38,000
CLASSIFIED PROGRAMS	593,596
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	816,598

JOINT STARS

An appropriation of $185,499,000 is recommended for the JOINT STARS aircraft program. $58,600,000 is for the Primary Mission Equipment and Diminishing Manufacturing Source [PME/DMS] development program, $1,409,000 is for the Surface Warfare Joint Capability Technology Demonstration, $36,000,000 is for increased bandwidth and beyond line of site capability for the aircraft, $4,100,000 is for Single Channel Ground to Air

Radio System [SINCGARS] voice initial capability insertion, and $85,390,000 is for the Radar Technology Insertion Program for Joint STARS.

C–17 HEADS-UP DISPLAY

Beginning in fiscal year 2012 the current C–17 Heads-Up Display [HUD] will no longer be supportable due to problems associated with parts obsolescence. Given this timeline, the Air Force may use C–17 research, development, test and evaluation funds already appropriated in fiscal year 2008 to start a replacement program for the HUD.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

An appropriation of $1,837,450,000 is recommended for the Defense Working Capital Funds.

The recommendations for each Defense Working Capital Fund account are shown below:

[In thousands of dollars]

Account	Committee recommendation
DEFENSE WORKING CAPITAL FUND, ARMY:	
PREPOSITIONED WAR RESERVE STOCKS	511,100
SPARES AUGMENTATION—COMBAT LOSSES	62,000
SPARES AUGMENTATION—OIF DEMANDS	70,000
FUEL COSTS	7,471
TOTAL, DEFENSE WORKING CAPITAL FUND, ARMY	650,571
DEFENSE WORKING CAPITAL FUND, NAVY: FUEL COSTS	272,020
TOTAL, DEFENSE WORKING CAPITAL FUND, NAVY	272,020
DEFENSE WORKING CAPITAL FUND, AIR FORCE: FUEL COSTS	594,784
TOTAL, DEFENSE WORKING CAPITAL FUND, AIR FORCE	594,784
DEFENSE WORKING CAPITAL FUND, DEFENSE-WIDE:	
THEATER DISTRIBUTION CENTER, KUWAIT	13,000
COMBAT FUEL LOSSES	43,400
FUEL TRANSPORTATION	96,100
DEFENSE REUTILIZATION AND MARKETING OPTIONS	5,275
DLA FUEL TERMINAL OPERATIONS	16,100
FUEL COSTS	146,200
TOTAL, DEFENSE WORKING CAPITAL FUND, DEFENSE-WIDE	320,075

NATIONAL DEFENSE SEALIFT FUND

An appropriation of $5,110,000 is recommended for the National Defense Sealift Fund.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

An appropriation of $1,488,864,000 is recommended for the Defense Health Program.

The recommendations for operation and maintenance, procurement and research, development, test and evaluation are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION AND MAINTENANCE	957,064
IN-HOUSE CARE	38,700
Navy Personnel Backfill	37,700
Medical Care of Former Members w/Severe Injuries	1,000
PRIVATE SECTOR CARE	541,164
Respite Care for Active Duty Members	10,000
Medical Care for Families of Seriously Injured Members	1,000
CONSOLIDATED HEALTH CARE SUPPORT	43,311
Notification of Combat Wounded	2,000
Center of Excellence for Eye Injuries	1,000
Establish Office for Interoperable Electronic Health Record	2,500
Disability Evaluation System & Case Management	7,600
INFORMATION MANAGEMENT	19,393
Joint Medical Communications Infrastructure	5,000
Navy Civilian Hires	300
Disability Evaluation System & Case Management	13,500
MANAGEMENT ACTIVITIES	773
EDUCATION AND TRAINING	20,700
Enhanced Recruiting/Retention of HC Professionals	18,500
Navy Civilian Hires	2,200
BASE OPERATIONS/COMMUNICATIONS	293,023
Army FSRM	140,200
Navy FSRM	93,211
Air Force FSRM	59,612
PROCUREMENT	91,900
Disability Evaluation System & Case Management	4,900
Joint Medical Communications Infrastructure	25,000
Army Medical Procurement	35,000
Navy Medical Procurement	27,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	364,900
Disability Evaluation System & Case Management	21,100
Battle Casualty and Psychological Health Research	273,800
Center for Neuroscience and Regenerative Medicine	70,000
PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY	75,000
TOTAL, DEFENSE HEALTH PROGRAM	1,488,864

FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION

The recommendation includes an additional $293,023,000 for sustainment, restoration and modernization of military medical projects for the Army, Navy and Air Force. The average ''recapitalization rate'' (aggregate investment in infrastructure) for civilian hospitals is 21 years and the current Department of Defense medical facility recapitalization rate exceeds 75 years. This funding is only a temporary band-aid for certain facilities and the Department is urged to request the necessary military construction funds.

JOINT MEDICAL COMMUNICATIONS INFRASTRUCTURE

The recommendation includes $5,000,000 in the Information Management budget activity group within operation and maintenance and $25,000,000 in procurement for the advancement of real time interoperability of medical images and data. This project enables real-time interoperability for the Theater Medical Information Program [TMIP] and other Department of Defense, Department of Veterans Affairs, and civilian medical systems to provide life saving capabilities to our service men and women. TMIP applications are currently deployed all the way down to our field medics to record patient encounter data, usually at the point of injury. Department of Defense medical application data is not currently in a common data format; Veterans Affairs data is entered as text, preventing the data from being computable. Integration and processing of data is not done in real-time; utilizing data in this manner can require days, even weeks. This project enables real time interoperability for life saving data to Emergency Operations Centers for the Army, Air Force and Navy Combatant Commands, eliminating life threatening situations where medical assets are potentially not available to those that need them. Without those medical assets being available, the lives, health and safety of our forces are at stake.

UNFUNDED FISCAL YEAR 2008 PROCUREMENT REQUIREMENTS

The recommendation includes an additional $62,000,000 for unfunded procurement requirements for the Army and Navy. The Air Force does not have any unfunded procurement requirements for fiscal year 2008. Providing the most advanced medical equipment is essential for the care of our service members and their families and the Services have a limited ability to procure critical medical technology because of the exponential cost growth for medical equipment and the restrictions on the service medical accounts. Additional procurement resources have been provided to the Services for the past 2 years and the Department must make a concerted effort to reflect these requirements in future budget submissions for the Defense Health Program.

BATTLE CASUALTY AND PSYCHOLOGICAL HEALTH RESEARCH

The recommendation includes an additional $273,800,000 to address prevention, diagnosis, treatment, and mitigation of deployment-related injuries and psychological health concerns. These funds are targeted to accelerate ongoing programs and are for peer reviewed research into emergent approaches and technologies. These funds are directed toward the following research areas: final development of medical devices for use in theater (including portable suction machines and EKGs for theater hospitals); blood safety and blood products; burns (including tissue viability and fluid resuscitation); orthopedic and other trauma treatment and rehabilitation (including face, visual/ocular and nerve damage, dental, and auditory systems); suicide prevention and counseling (including reducing nurse stress and fatigue at military treatment facilities); traumatic brain injury and psychological health (including Post Traumatic Stress Disorder); injury prevention; wound infection and healing; treatment for severe cutaneous leishmaniasis; and wound infection vaccines. These funds shall be executed through the Army's Medical Research and Materiel Command. The Army is directed to work in conjunction with the Navy and the Air Force to augment all Department of Defense research efforts in these areas. The Department is directed to provide a report with a detailed plan for the use of these funds and timeline for execution by August 1, 2008.

CENTER FOR NEUROSCIENCE AND REGENERATIVE MEDICINE

The recommendation includes an additional $70,000,000 to increase investigators and research capabilities in Traumatic Brain Injury and regenerative medicine across the Armed Forces. The focus of this initiative is an intramural start-up for the study of blast injury to the brain and post traumatic stress by studying actual combat casualties cared for at Walter Reed Army Medical Center and the National Naval Medical Center and using sophisticated neuroimaging technology at the National Institute of Health's Clinical Center.

POST TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY

In addition to amounts otherwise available to the Defense Health Program, $75,000,000 is available to continue work for traumatic brain injury and psychological health.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

An appropriation of $65,317,000 is recommended for Drug Interdiction and Counter-Drug Activities, Defense for operations in Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Thailand and Turkmenistan.

OFFICE OF THE INSPECTOR GENERAL

An appropriation of $6,394,000 is recommended for the Office of the Inspector General. This is an increase of $2,000,000 in research, development, test and evaluation funding for the development of an Investigative Data System for the Defense Criminal Investigative Service.

GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

Section 11101 establishes the period of availability for obligation for appropriations provided in this chapter.

Section 11102 provides that funds made available in this chapter are in addition to amounts provided elsewhere for the Department of Defense for fiscal year 2008.

Section 11103 provides for special transfer authority of up to $2,500,000,000 of funds in

this chapter, subject to the terms and conditions in section 8005 of the Department of Defense Appropriations Act, 2008.

Section 11104 provides that of the funds made available for the Department of Defense, $1,226,841,000 may be used to execute programs under the Commander's Emergency Response Program for Iraq, Afghanistan, and the Philippines.

Section 11105 provides for transfer of funds to the Defense Cooperation Account to appropriations or funds as determined by the Secretary of Defense.

Section 11106 provides that not to exceed $20,000,000 of funds made available under ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used to support counter-drug activities of certain governments, and that such support is in addition to support provided under any other provision of law.

Section 11107 provides for up to 20 heavy and light armored vehicles for force protection purposes in Iraq and Afghanistan and up to 21 vehicles from funds previously appropriated.

Section 11108 provides for the transfer of funds to the Mine Resistant Ambush Protected Vehicle Fund.

Section 11109 provides up to $150,000,000 to support the development of foreign national counterterrorism capabilities.

CHAPTER 2

BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

OVERVIEW

RECOMMENDATION

On May 2, the administration presented a request of $65,960,936,000 for supplemental appropriations for the Department of Defense, not including military construction. The recommendation in title XI, chapter 2, is $65,921,157,000.

The following table summarizes by appropriation account or general provision, the recommendation:

[In thousands of dollars]

	Committee recommendation
Chapter 2	
DEPARTMENT OF DEFENSE—MILITARY	
Military Personnel	
Military Personnel, Army (emergency)	839,000
Military Personnel, Navy (emergency)	75,000
Military Personnel, Marine Corps (emergency)	55,000
Military Personnel, Air Force (emergency)	75,000
National Guard Personnel, Army (emergency)	150,000
Total, Military Personnel	1,194,000
Operation and Maintenance	
Operation & Maintenance, Army (emergency)	37,300,000
Operation & Maintenance, Navy (emergency)	3,500,000
(Transfer out) (emergency)	(−112,000)
Operation & Maintenance, Marine Corps (emergency)	2,900,000
Operation & Maintenance, Air Force (emergency)	5,000,000
Operation & Maintenance, Defense-Wide (emergency)	2,648,569
Operation & Maintenance, Army Reserve (emergency)	79,291
Operation & Maintenance, Navy Reserve (emergency)	42,490
Operation & Maintenance, Marine Corps Reserve (emergency)	47,076
Operation & Maintenance, Air Force Reserve (emergency)	12,376
Operation & Maintenance, Army National Guard (emergency)	333,540
Operation & Maintenance, Air National Guard (emergency)	52,667
Subtotal, Operation and Maintenance	51,916,009
Afghanistan Security Forces Fund (emergency)	2,000,000
Iraq Security Forces Fund (emergency)	1,000,000
Total, Operation and Maintenance	54,916,009
Procurement	
Aircraft Procurement, Army (emergency)	84,000
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	822,674
Procurement of Ammunition, Army (emergency)	46,500
Other Procurement, Army (emergency)	1,009,050
Other Procurement, Navy (emergency)	27,948
Procurement, Marine Corps (emergency)	565,425
Aircraft Procurement, Air Force (emergency)	201,842
Other Procurement, Air Force (emergency)	1,500,644
Procurement, Defense-Wide (emergency)	177,237
Total, Procurement	4,435,320
Research, Development, Test and Evaluation	
Research, Development, Test & Evaluation, Navy (emergency)	113,228
Research, Development, Test & Evaluation, Air Force (emergency)	72,041
Research, Development, Test and Evaluation, Defense-Wide (emergency)	202,559
Total, Research, Development, Test and Evaluation	387,828
Other Department of Defense Programs	
Defense Health Program (emergency)	1,100,000
Drug Interdiction and Counter–Drug Activities, Defense (emergency)	188,000
Joint Improvised Explosive Device Defeat fund (emergency)	2,000,000
Total, Other Department of Defenses Programs	3,288,000
General Provisions	
Sec. xxxx Transfer authority	(4,000,000)
Sec. xxxx Mine Resistant Ambush Protected Vehicle fund (emergency)	1,700,000
Total, General Provisions	1,700,000
Total, Chapter 2	65,921,157

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and direction in the classified annex accompanying this act.

REPORTING REQUIREMENTS

The Secretary of Defense is directed to provide a report to the congressional defense committees within 30 days of enactment of this act on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The Secretary is directed that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of military operations in Iraq and Afghanistan and a listing of equipment procured using funds provided in this chapter. It is expected that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriation accounts for purposes other than those specified in this report. The Department of Defense is directed to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

Additionally, the Department of Defense is directed to submit monthly supplemental execution reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

MINE RESISTANT AMBUSH PROTECTED VEHICLES

The recommendation includes $1,700,000,000 for the Mine Resistant Ambush Protected Vehicle Fund. This funds requirements for ballistic testing, sustainment and transportation of Mine Resistant Ambush Protected Vehicles, as identified by the Department. The Department shall continue to adhere to the execution and reporting requirements contained in section 8122 of Public Law 110–116. Additionally, the Secretary of Defense is directed to include future requests for Mine Resistant Ambush Protected Vehicle sustainment in the base budget starting with the fiscal year 2010 President's budget request submission.

MILITARY PERSONNEL

An appropriation of $1,194,000,000 is recommended for Military Personnel.

The recommendations for each military personnel account are shown below:

[In thousands of dollars]

Account	Committee recommendation
MILITARY PERSONNEL, ARMY	
ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS:	
BASIC PAY	85,298
RETIRED PAY ACCRUAL	24,906
BASIC ALLOWANCE FOR HOUSING	25,374
BASIC ALLOWANCE FOR SUBSISTENCE	3,322
SOCIAL SECURITY TAX	6,516
TOTAL, BUDGET ACTIVITY 1	145,416
ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL:	
BASIC PAY	190,920
RETIRED PAY ACCRUAL	55,748
BASIC ALLOWANCE FOR HOUSING	58,173
SOCIAL SECURITY TAX	14,605
TOTAL, BUDGET ACTIVITY 2	319,446
ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL:	
BASIC ALLOWANCE FOR SUBSISTENCE	17,563
SUBSISTENCE-IN-KIND	251,700
TOTAL, BUDGET ACTIVITY 3	269,263
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	10,488

[In thousands of dollars]

Account	Committee recommendation
SGLI AND TSGLI PAYMENTS	94,387
TOTAL, BUDGET ACTIVITY 6	104,875
TOTAL, MILITARY PERSONNEL, ARMY	839,000
MILITARY PERSONNEL, NAVY	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	13,000
SGLI AND TSGLI PAYMENTS	62,000
TOTAL, BUDGET ACTIVITY 6	75,000
TOTAL, MILITARY PERSONNEL, NAVY	75,000
MILITARY PERSONNEL, MARINE CORPS	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	22,000
SGLI AND TSGLI PAYMENTS	33,000
TOTAL, BUDGET ACTIVITY 6	55,000
TOTAL, MILITARY PERSONNEL, MARINE CORPS	55,000
MILITARY PERSONNEL, AIR FORCE	
ACTIVITY 6: OTHER MILITARY PERSONNEL COST:	
DEATH GRATUITIES	12,000
SGLI AND TSGLI PAYMENTS	63,000
TOTAL, BUDGET ACTIVITY 6	75,000
TOTAL, MILITARY PERSONNEL, AIR FORCE	75,000
NATIONAL GUARD PERSONNEL, ARMY	
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/28)	16,500
SCHOOL TRAINING	58,500
SPECIAL TRAINING	24,000
ADMINISTRATION AND SUPPORT	51,000
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	150,000

OPERATION AND MAINTENANCE

An appropriation of $54,916,009,000 is recommended for Operation and Maintenance.

The recommendations for each operation and maintenance account are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION AND MAINTENANCE, ARMY:	
INCREMENTAL WARTIME OPERATING COSTS	23,343,665
DEPOT MAINTENANCE/RESET	7,886,730
FACILITIES/BASE SUPPORT	5,205,036
TRANSPORTATION	778,198
CLASSIFIED PROGRAMS	86,371
TOTAL, OPERATION AND MAINTENANCE, ARMY	37,300,000
OPERATION AND MAINTENANCE, NAVY:	
INCREMENTAL WARTIME OPERATING COSTS	2,517,826
DEPOT MAINTENANCE/RESET	236,829
TRANSPORTATION	594,906
COAST GUARD SUPPORT	112,000
CLASSIFIED PROGRAMS	38,439
TOTAL, OPERATION AND MAINTENANCE, NAVY	3,500,000
OPERATION AND MAINTENANCE, MARINE CORPS:	
INCREMENTAL WARTIME OPERATING COSTS	2,109,788
DEPOT MAINTENANCE/RESET	430,660
TRANSPORTATION	359,552
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	2,900,000
OPERATION AND MAINTENANCE, AIR FORCE:	
INCREMENTAL WARTIME OPERATING COSTS	2,689,203
DEPOT MAINTENANCE/RESET	238,347
AIRLIFT OPERATIONS	2,031,723
CLASSIFIED PROGRAMS	40,727
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	5,000,000
OPERATION AND MAINTENANCE, DEFENSE-WIDE:	
THE JOINT STAFF	22,500
SPECIAL OPERATIONS COMMAND:	
OPERATING EXPENSES	901,550
ISR SUSTAINMENT	123,450
AMERICAN FORCES INFORMATION SERVICE	6,500
DEFENSE CONTRACT AUDIT AGENCY (DCAA)	5,000
DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA)	2,100
DEFENSE HUMAN RESOURCE ACTIVITY (DHRA)	2,900
DEFENSE INFORMATION SYSTEMS AGENCY (DISA)	31,100
DEFENSE LOGISTICS AGENCY	34,000
DEFENSE LEGAL SERVICES AGENCY (DLSA)	7,000
DEPARTMENT OF DEFENSE EDUCATION ACTIVITY (DODEA)	102,460
DEFENSE SECURITY COOPERATION AGENCY (DSCA)	300,000
DEFENSE THREAT REDUCTION AGENCY (DTRA)	1,440
OFFICE OF THE SECRETARY OF DEFENSE	30,000
WASHINGTON HEADQUARTERS SERVICES	5,000
CLASSIFIED PROGRAMS	1,073,569
TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	2,648,569

[In thousands of dollars]

Account	Committee recommendation
OPERATION AND MAINTENANCE, ARMY RESERVE: OPERATING EXPENSES	79,291
TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	79,291
OPERATION AND MAINTENANCE, NAVY RESERVE: OPERATING EXPENSES	42,490
TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	42,490
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE: OPERATING EXPENSES	47,076
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	47,076
OPERATION AND MAINTENANCE, AIR FORCE RESERVE: OPERATING EXPENSES	12,376
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	12,376
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD: OPERATING EXPENSES	333,540
TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	333,540
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD: OPERATING EXPENSES	52,667
TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	52,667
AFGHANISTAN SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) INFRASTRUCTURE	300,510
MOD EQUIPMENT AND TRANSPORTATION	234,558
MOD TRAINING	138,271
MOD SUSTAINMENT	480,340
MINSTRY OF INTERIOR (MOI) INFRASTRUCTURE	210,276
MOI EQUIPMENT AND TRANSPORTATION	42,727
MOI TRAINING	313,803
MOI SUSTAINMENT	275,515
RELATED ACTIVITIES:	
DETAINEE OPERATIONS—TRAINING	1,000
DETAINEE OPERATIONS—SUSTAINMENT	3,000
TOTAL, AFGHANISTAN SECURITY FORCES FUND	2,000,000
IRAQ SECURITY FORCES FUND:	
MINISTRY OF DEFENSE (MOD) EQUIPMENT AND TRANSPORTATION	300,000
MOD TRAINING	60,000
MOD SUSTAINMENT	100,000
MINISTRY OF INTERIOR (MOI) EQUIPMENT AND TRANSPORTATION	200,000
MOI TRAINING	300,000
MOI SUSTAINMENT	40,000
TOTAL, IRAQ SECURITY FORCES FUND	1,000,000

DEFENSE SECURITY COOPERATION AGENCY

The recommendation includes $200,000,000 for coalition support funds and $100,000,000 for lift and sustainment of coalition partners in Iraq and Afghanistan.

AFGHANISTAN AND IRAQ SECURITY FORCES

Reprogramming.—The Department of Defense has been provided significant flexibility in executing this program in the past but new reprogramming procedures are required at this juncture. With respect to the Iraq Security Forces Fund and the Afghanistan Security Forces Fund, the Department is directed to submit prior approval reprogramming requests to the congressional defense committees for proposed transfers of funds in excess of $20,000,000, to the Infrastructure subactivity groups or other construction related projects.

PROCUREMENT

An appropriation of $4,435,320,000 is recommended for Procurement.

The recommendations for each procurement account are shown below:

[In thousands of dollars]

Account	Committee recommendation
AIRCRAFT PROCUREMENT, ARMY:	
COMMON GROUND EQUIPMENT	5,000
AIRCRAFT SURVIVABILITY INFRARED COUNTERMEASURES	20,000
KIOWA WARRIOR	59,000
TOTAL, AIRCRAFT PROCUREMENT, ARMY	84,000
PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY:	
BRADLEY BASE SUSTAINMENT	394,800
M1 ABRAMS TANK MOD	47,900
ABRAMS UPGRADE PROGRAM	130,400
STRYKER VEHICLE	248,053
MORTAR WEAPON SYSTEM	1,521
TOTAL, PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY	822,674
PROCUREMENT OF AMMUNITION, ARMY: NON-LETHAL AMMUNITION, ALL TYPES	46,500
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	46,500
OTHER PROCUREMENT, ARMY:	
HMMWV RECAP PROGRAM	390,219
HEMTT EXTENDED SERVICE PROGRAM	15,000
SEMI TRAILER, FLATBED	58,014
SEMI TRAILER, TANKER	26,941
TACTICAL BRIDGING, FLOAT-RIBBON	14,000
DRY SUPPORT BRIDGE	76,000
FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	90,000
TACTICAL TRAILER/DOLLY SETS	40,000
TACTICAL RADIOS	4,855
GROUND STANDOFF MINE DETECTION SYSTEM	5,000
MEDICAL COMMUNICATIONS FOR COMBAT CASUALTY CARE	12,109
NIGHT VISION DEVICES	20,000
NIGHT VISION THERMAL WEAPONS SIGHT	20,000
ALL TERRAIN LIFTING ARMY SYSTEM	5,000
LOADERS	15,000
TRACTORS	20,000
GENERATORS AND ASSOCIATED EQUIPMENT	20,000
DIGITAL TOPOGRAPHIC SUPPORT SYSTEM	9,000
TRUCK, TRACTOR, LINE HAUL, M915/M921	110,000
PROPHET GROUND	2,500

[In thousands of dollars]

Account	Committee recommendation
TACTICAL UNMANNED AERIAL SYSTEMS	9,876
MODIFICATION OF IN-SERVICE EQUIPMENT	15,000
ROUGH TERRAIN CONTAINER HANDLER (RTCH)	30,000
CLASSIFIED PROGRAMS	536
TOTAL, OTHER PROCUREMENT, ARMY	1,009,050
OTHER PROCUREMENT, NAVY:	
CONSTRUCTION AND MAINTENANCE EQUIPMENT	3,142
TACTICAL VEHICLES	5,554
ITEMS UNDER $5 MILLION	5,687
PHYSICAL SECURITY EQUIPMENT	13,565
TOTAL, OTHER PROCUREMENT, NAVY	27,948
PROCUREMENT, MARINE CORPS:	
LIGHT ARMORED VEHICLE (LAV)-PRODUCT IMPROVEMENT PROGRAM (PIP)	30,000
WEAPONS & COMBAT SYSTEMS UNDER $5M	8,000
MODULAR WEAPONS SYSTEM (Note: Includes FK4 Underbody Armor, M1114 Frag Kits, M1A1 IED Survivability Enhancements)	101,500
UNIT OPERATIONS CENTER	16,000
REPAIR AND TEST EQUIPMENT (Note: Includes Blue Force Tracking Support, Platform Devices, Spares and Vehicles)	105,175
RADAR SYSTEMS	8,000
INTELLIGENCE SUPPORT EQUIPMENT	21,500
COMMON COMPUTER RESOURCES	5,000
5/4T TRUCK HMMWV (RESET)	25,000
EOD SYSTEMS (Note: Including CREW Upgrades)	211,750
PHYSICAL SECURITY EQUIPMENT (Note: Includes Electronic Security Systems and G–BOSS)	9,000
FIELD MEDICAL EQUIPMENT	8,000
COUNTER RC IED WARFARE	1,500
FAMILY OF CONSTRUCTION EQUIPMENT	15,000
TOTAL, PROCUREMENT, MARINE CORPS	565,425
AIRCRAFT PROCUREMENT, AIR FORCE:	
LAIRCM (Note: Includes funds for EC130/C–17 LAIRCM)	26,000
F–16 MODIFICATIONS (Note: Only for the National Guard $34,200,000 for F–16 Advanced Identification Friend/Foe (AIFF))	34,200
F–15 MODIFICATIONS (Note: $34,000,000 only for National Guard AESA Systems)	34,000
MQ–9 REAPER (Note: Includes 5 UAVs)	87,642
PREDATOR/REAPER GCS RETROFIT	20,000
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	201,842
OTHER PROCUREMENT, AIR FORCE:	
HALVORSEN	13,500
CLASSIFIED PROGRAMS	1,487,144
TOTAL, OTHER PROCUREMENT, AIR FORCE	1,500,644
PROCUREMENT, DEFENSE-WIDE:	
C–130 MODIFICATIONS (Note: Funds are provided for the Special Operations Command Gunship Multispectral Sensor 2 Readiness Spares)	17,000
SOF ORDNANCE REPLENISHMENT	43,640
SOF OPERATIONAL ENHANCEMENT (Note: $20,750,000 is for Special Operations Command ISR Mission Equipment Package and $13,000,000 for Sensors for Additional Leased ISR Aircraft)	33,750
SMALL ARMS AND WEAPONS (Note: For SOF Soldier Protection and Survival System)	16,250
CLASSIFIED PROGRAMS	66,597
TOTAL, PROCUREMENT, DEFENSE-WIDE	177,237

FORCE PROTECTION AND RESET

The recommendation provides funding for critical force protection and reset initiatives identified by the Marine Corps, to include $30,000,000 for Light Armored Vehicle survivability upgrades; $97,500,000 for Frag Kit 4 underbody armor and M1114 Frag Kits; $105,175,000 for Blue Force Tracker platform devices; and $201,750,000 for jammer upgrades.

SPECIAL OPERATIONS PSYCHOLOGICAL OPERATIONS

Special Operations Command is encouraged to use funds provided in fiscal year 2009 for the Department of Defense to fund psychological operations equipment for C–130J aircraft.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

An appropriation of $387,828,000 is recommended for Research, Development, Test and Evaluation only for classified programs.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

An appropriation of $1,100,000,000 is recommended for the Defense Health Program.

The recommendations for the Defense Health Program are shown below:

[In thousands of dollars]

Account	Committee recommendation
OPERATION AND MAINTENANCE	1,100,000
IN-HOUSE CARE	740,052
CONSOLIDATED HEALTH CARE SUPPORT	220,147
INFORMATION MANAGEMENT	78,219
MANAGEMENT ACTIVITIES	1,159
EDUCATION AND TRAINING	51,157
BASE OPERATIONS/COMMUNICATIONS	9,266
TOTAL, DEFENSE HEALTH PROGRAM	1,100,000

TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH

The recommendation includes $300,000,000 to support programs and activities relating to the treatment, care, rehabilitation, recovery and support of the Armed Forces for traumatic brain injury and psychological health issues. Of the funds provided, $200,000,000 is in In-House Care, $75,000,000 is in Consolidated Health, and $25,000,000 is in Education and Training. The Assistant Secretary of Defense for Health Affairs, in coordination with the Service Surgeons General and the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness, is directed to provide a report to the congressional defense committees no later than August 1, 2008 with a detailed spend plan including funding requirements, sources of funding, and a break out of initiatives.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

An appropriation of $188,000,000 is recommended for Drug Interdiction and Counter-Drug Activities, Defense for operations in Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

An appropriation of $2,000,000,000 is recommended for the Joint Improvised Explosive Device Defeat Fund.

[In thousands of dollars]

Account	Committee recommendation
ATTACK THE NETWORK	725,000
DEFEAT THE DEVICE	950,000
TRAIN THE FORCE	250,000
STAFF AND INFRASTRUCTURE	75,000
TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	2,000,000

GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

Section 11201 establishes that the funds made available in this chapter are not available until October 1, 2008.

Section 11202 establishes the period of availability for obligation for appropriations provided in this chapter.

Section 11203 provides for special transfer authority up to $4,000,000,000 of funds in this chapter.

Section 11204 provides that the Secretary of Defense continue to provide quarterly reports to Congress on a comprehensive set of indicators and measures for progress towards military and political stability in Iraq.

Section 11205 provides that the Director of the Office of Management and Budget, (in consultation with the Secretary of Defense; the Commander, Multi-National Security

Transition Command-Iraq; and the Commander, Combined Security Transition Command-Afghanistan), shall submit a report detailing, among other assessments, the total cost of training and equipping the Iraq and Afghanistan security forces.

Section 11206 provides that funds available to the Department of Defense for operation and maintenance may be used to provide supplies, services and transportation to coalition forces in Iraq and Afghanistan.

Section 11207 provides that supervision and administrative costs associated with a construction project funded through operation and maintenance, Afghanistan Security Forces Fund, or Iraq Security Forces Fund may be obligated at the time a construction contract is awarded.

Section 11208 provides $1,700,000,000 in emergency funding for the Mine Resistant Ambush Protected Vehicle Fund.

Section 11209 defines the Congressional Defense Committees as being the Armed Services Committees and the Subcommittees on Defense of the Committees on Appropriations of the House and the Senate.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

DEPARTMENT OF DEFENSE—MILITARY

RECOMMENDATION

In title XI, chapter 3, the following is recommended.

RECONSTRUCTION

The United States and the Government of Iraq are increasing their reliance on U.S. funds for reconstruction efforts in Iraq, and the Department of Defense is financing a large number of long-term and costly projects. Many of these efforts are urgently needed, but the Government of Iraq should bear the majority of these costs. Therefore, the Secretary of Defense is directed to immediately begin to develop the processes and procedures necessary to institute an equal cost sharing between the United States and Iraq for all reconstruction projects funded in this title greater than $750,000. Implementation of this new cost sharing arrangement shall begin no later than October 1, 2008. This is the necessary first step in decreasing the Government of Iraq's heavy reliance on U.S. funding for reconstruction efforts.

GENERAL PROVISIONS—THIS CHAPTER

The recommended bill includes the following general provisions for this chapter:

Section 11301 provides that the amounts recommended under this title are designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Section 11302 provides for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

Section 11303 prohibits the use of funds to contravene laws or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Section 11304 requires a report on the United States global strategy to combat and defeat al Qaeda and its affiliates.

Section 11305 provides that none of the funds appropriated in this chapter may be obligated and expended to finance programs or activities denied by Congress in fiscal year 2007 or 2008 appropriations for the Department of Defense or to initiate a new start without prior approval.

Section 11306 provides for an increase in the amount authorized for the United States contribution to NATO to $435,259,000.

Section 11307 prohibits award fees to any defense contractor in contravention to provisions of section 814 of the National Defense Authorization Act, 2007.

Section 11308 provides that: (a) of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded and, (b) of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

Section 11309 provides that of the funding provided in the Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007 that remains available for obligation under the Iraq Freedom Fund 2007/2008, $150,000,000 is only for the Joint Rapid Acquisition Cell program and $10,000,000 is only for the transportation of fallen service members.

Section 11310 restricts funds available to the Department of Defense on joint basing initiatives until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

Section 11311 allows Combatant Commanders to use funds available in this title in operation and maintenance to purchase an investment item of not more than $500,000 to meet operational requirements.

Section 11312 includes a provision addressing a returning worker exemption.

AMENDMENT #3

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

The Committee recommendation includes policy provisions related to Operation Iraqi Freedom.

TITLE XIII

MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

The Committee recommendation includes provisions relating to the MEJA Expansion and Enforcement Act of 2008.

DISCLOSURE OF EARMARKS AND CONGRESSIONAL DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in rule XLIV of the Standing Rules of the Senate) included in the Senate Committee-authorized amendment discussed in this explanatory statement, along with the name of each Senator who submitted a request to the Committee of jurisdiction for each item so identified. Neither the Committee-authorized amendment nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in rule XLIV.

EARMARKS

Account	Project	Funding	Member
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES			
Department of Commerce: Economic Devel. Asst. Programs.	In the aftermath of Hurricane Katrina, relocation of Port of New Orleans public facilities to Mississippi River, New Orleans, LA.	$75,000,000	Senator Landrieu
Department of Justice: Byrne	Rebuilding capacity and to fight rising crimes in the aftermath of Hurricane Katrina in Alabama	$12,500,000	Senator Shelby
Department of Justice: Byrne	Rebuilding capacity and to fight rising crimes in the aftermath of Hurricane Katrina in Louisiana	$50,000,000	Senator Landrieu
Department of Justice: Byrne	Rebuilding capacity and to fight rising crimes in the aftermath of Hurricane Katrina in Mississippi	$12,500,000	Senator Cochran
SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT			
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Lake Ponchartrain and Vicinity, LA	$1,657,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, West Bank and Vicinity, LA	$1,415,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Southeast Louisiana, LA	$1,290,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Turkey Creek; Bayou Cumbest; Dantzler; Admiral Island; Franklin Creek; and Deer Island Environmental Restoration Projects, Mississippi.	$173,615,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Moss Point, Mississippi, Municipal Relocation Project	$4,550,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Waveland, MS, Floodproofing project	$5,000,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Mississippi Sound, Sub Aquatic Vegetation Project	$150,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Mississippi Coast-wide Dune Restoration Project	$15,430,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Mississippi Homeowners Assistance Relocation Project	$397,000,000	Senator Cochran, Senator Wicker
Corps of Engineers—Construction	In the aftermath of Hurricane Katrina, Forrest Heights, Mississippi, Hurricane and Storm Damage Reduction Project	$9,000,000	Senator Cochran, Senator Wicker
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, 17th Street, Orleans, and London Avenue Canal pumps and closures, LA	$704,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Stormproofing interior pump stations, LA	$90,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Levee and critical element armoring, LA	$459,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Navigable closure at the Inner Harbor Navigation Canal, LA	$53,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Incorporation of Plaquemines Parish, Louisiana, Non-Federal levee	$456,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, reinforcing or Replacing Floodwalls in the existing Lake Ponchartrain and Vicinity, and West Bank and Vicinity Projects in New Orleans, LA.	$412,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, repair and restoration of authorized protections and floodwalls in New Orleans, LA.	$393,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, complete authorized Lake Ponchartrain and Vicinity and West Bank and Vicinity projects in New Orleans, LA.	$359,000,000	The President, Senator Landrieu, Senator Vitter
Corps of Engineers—Flood Control and Coastal Emergencies.	In the aftermath of Hurricane Katrina, Barrier Island Restoration, MS	$348,000,000	Senator Cochran, Senator Wicker

EARMARKS—Continued

Account	Project	Funding	Member
Department of Energy	Extend a certain cooperative agreement to carry out the FutureGen program	$0	Senator Durbin, Senator Bond
SUBCOMMITTEE ON DEPARTMENT OF HOMELAND SECURITY			
Federal Emergency Management Agency	Gulf Coast Rebuilding assistance for police stations, fire stations, and criminal justice facilities		Senator Landrieu
Federal Emergency Management Agency	Flood map authority for the St. Louis District of the Mississippi Valley Division of the Corps of Engineers		Senator Durbin
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT			
Small Business Administration: Salaries and expenses	Extension of 8(a) program for participants affected by Hurricane Katrina		Senator Landrieu
Small Business Administration, Salaries and Expenses	Veterans Business Resource Centers	$600,000	Senator Bond, Senator Kerry, Senator Snowe, Senator Levin, Senator Stabenow
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES			
Department of the Interior: National Park Service, Historic Preservation Fund.	In the aftermath of Hurricane Katrina, rehabilatation and restoration of historic Jackson Barracks	$15,000,000	Senator Landrieu
Environmental Protection Agency, State and Tribal Assistance Grants.	In the aftermath of Hurricane Katrina, wastewater and storm water infrastructure grant	$5,000,000	Senator Landrieu
Department of the Interior: National Park Service: Land and Water Conservation Fund.	Clarification of prior year acquisition, for barrier island disaster mitigation	$0	Senator Cochran
SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES			
Department of Health and Human Services: Centers for Medicare and Medicaid Services.	Provider stabilization grants for Medicare participating general acute hospitals in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana.	$350,000,000	Senator Cochran, Senator Landrieu
SUBCOMMITTEE ON MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES			
Army	Child Development Center, Fort Wainwright, AK	$17,000,000	The Administration
Army	Child Development Center, Fort Irwin, CA	$11,800,000	The Administration
Army	Soldier Family Assistance Center, Fort Carson, CO	$8,100,000	The President
Army	Child Development Center, Fort Carson, CO	$8,400,000	The Administration
Army	Child Development Center, Fort Gordon, GA	$7,800,000	The Administration
Army	Soldier Family Assistance Center, Fort Stewart, GA	$6,000,000	The President
Army	Child Development Center, Schofield Barracks, HI	$12,500,000	The Administration
Army	Transitioning Warrior Support Complex, Fort Riley, KS	$50,000,000	The President
Army	Soldier Family Assistance Center, Fort Campbell, KY	$7,400,000	The President
Army	Child Development Center, Fort Campbell, KY	$9,900,000	The Administration
Army	Child Development Center, Fort Knox KY	$7,400,000	The Administration
Army	Soldier Family Assistance Center, Fort Polk, LA	$4,900,000	The President
Army	Warrior in Transition Facilities, Fort Drum, NY	$38,000,000	The President
Army	Child Development Center, Fort Bragg, NC	$8,500,000	The Administration
Army	Child Development Center, Fort Sill, OK	$9,000,000	The Administration
Army	Child Development Center, Fort Bliss, TX	$5,700,000	The Administration
Army	Child Development Center, Fort Bliss, TX	$5,900,000	The Administration
Army	Child Development Center, Fort Bliss, TX	$5,700,000	The Administration
Army	Warrior In Transition Unit Operations Facilities, Fort Hood, TX	$9,100,000	The President
Army	Child Development Center, Fort Hood, TX	$7,200,000	The Administration
Army	Child Development Center, Fort Sam Houston, TX	$7,000,000	The Administration
Army	Child Development Center, Fort Lee, VA	$7,400,000	The Administration
Army	New Roads, Bagram, Afghanistan	$27,000,000	The President
Army	Ammunition Supply Point, Bagram, Afghanistan	$62,000,000	The President
Army	Power Plant, Bagram, Afghanistan	$41,000,000	The President
Army	Bulk Fuel Storage & Supply, Phase 3, Bagram, Afghanistan	$23,000,000	The President
Army	Bulk Fuel Storage & Supply, Phase 4, Bagram, Afghanistan	$21,000,000	The President
Army	CIED Road—Rte Alaska, Bagram, Afghanistan	$16,500,000	The President
Army	Aircraft Maintenance Hangar, Bagram, Afghanistan	$5,100,000	The President
Army	Rotary Wing Parking, Ghazni, Afghanistan	$5,000,000	The President
Army	Consolidated Compound, Kabul, Afghanistan	$36,000,000	The President
Army	CIED Road—Rte Connecticut, Afghanistan	$54,000,000	The President
Army	Petro Oil & Lubricant Storage, Camp Adder, Iraq	$10,000,000	The President
Army	Waste Water Treatment & Collection, Camp Adder, Iraq	$9,800,000	The President
Army	Convoy Support Center Relocation, Phase 2, Camp Adder, Iraq	$39,000,000	The President
Army	Corps Support Center Phase 3, Camp Adder, Iraq	$13,200,000	The Administration
Army	Landfill Construction, Al Asad, Iraq	$3,100,000	The President
Army	Urban Bypass Road, Al Asad, Iraq	$43,000,000	The President
Army	Hot Cargo Ramp, Al Asad, Iraq	$18,500,000	The President
Army	South Airfield Apron (India Ramp), Al Asad, Iraq	$28,000,000	The President
Army	Landfill Construction, Camp Anaconda, Iraq	$6,200,000	The President
Army	Hazardous Waste Incinerator, Camp Anaconda, Iraq	$4,300,000	The President
Army	Juvenile TIFRIC, Camp Constitution, Iraq	$11,700,000	The President
Army	Brick Factory, Camp Cropper, Iraq	$9,500,000	The President
Army	Landfill Construction, Fallujah, Iraq	$880,000	The President
Army	Incinerators, Fallujah, Iraq	$5,500,000	The Administration
Army	Landfill Construction, Camp Marez, Iraq	$880,000	The President
Army	Urban Bypass Road, Mosul, Iraq	$43,000,000	The President
Army	North Entry Control Point, Q-West, Iraq	$11,400,000	The President
Army	Perimiter Security Upgrade, Q-West, Iraq	$14,600,000	The President
Army	Landfill Construction, Camp Ramadi, Iraq	$880,000	The President
Army	Incinerator, Camp Ramadi, Iraq	$6,200,000	The Administration
Army	Entry Control Point, Scania, Iraq	$5,000,000	The President
Army	Water Storage Tanks, Scania, Iraq	$9,200,000	The President
Army	Military Control Point, Camp Speicher, Iraq	$5,800,000	The President
Army	Landfill Construction, Camp Speicher, Iraq	$5,900,000	The President
Army	Aviation Navigation Facilities, Camp Speicher, Iraq	$13,400,000	The President
Army	Landfill Construction, Camp Taqqadum, Iraq	$880,000	The President
Army	Landfill Construction, Camp Victory, Iraq	$6,200,000	The President
Army	Level 3 Hospital, Camp Victory, Iraq	$13,400,000	The President
Army	Waste Water Treatment & Collection, Camp Victory, Iraq	$9,800,000	The President
Army	Water Supply, Treatment & Storage, Phase 3, Camp Victory, Iraq	$13,000,000	The President
Army	Water Treatment & Storage, Phase 2, Camp Victory, Iraq	$18,000,000	The President
Army	Landfill Construction, Camp Warrior, Iraq	$880,000	The President
Army	Overhead Cover—eGlass, Various Locations, Iraq	$30,000,000	The President
Army	Overhead Cover—eGlass, Phase 4, Various Locations, Iraq	$105,000,000	The President
Army	Communications Center, Camp Arifjan, Kuwait	$30,000,000	The President
Army	Planning & Design, Various Locations, Worldwide	$78,800,000	The President
Navy	JIEDDO Battle Courses, China Lake, CA	$7,210,000	The Administration
Navy	Armory—5th Marine Regiment, Camp Pendleton, CA	$10,890,000	The President
Navy	Bachelor Quarters & Armory, Camp Pendleton, CA	$34,970,000	The President
Navy	Bachelor Quarters & Dining Facility, Camp Pendleton, CA	$24,390,000	The President
Navy	Company Headquarters—Military Police, Camp Pendleton, CA	$8,240,000	The President
Navy	Explosive Ordinance Detachment-Ops, Camp Pendleton, CA	$13,090,000	The President
Navy	Intelligence Surveillance Reconnaissance, Camp Pendleton, CA	$1,114,000	The President
Navy	Armory—Regimental & Battalion HQ, Camp Pendleton, CA	$5,160,000	The President
Navy	Armory—Intelligence Battalion, Camp Pendleton, CA	$4,180,000	The President
Navy	JIEDDO Battle Courses, Camp Pendleton, CA	$9,270,000	The Administration
Navy	JIEDDO Battle Courses, Point Mugu, CA	$7,250,000	The Administration
Navy	Child Development Center, San Diego, CA	$12,299,000	The Administration
Navy	Regimental Headquarters Addition, Twentynine Palms, CA	$4,440,000	The President
Navy	JIEDDO Battle Courses, Twentynine Palms, CA	$11,250,000	The Administration

EARMARKS—Continued

Account	Project	Funding	Member
Navy	JIEDDO Battle Course Additions, Eglin AFB, FL	$780,000	The Administration
Navy	JIEDDO Battle Courses, Gulfport, MS	$6,570,000	The Administration
Navy	Maintenance/Operations Complex, Camp LeJeune, NC	$43,340,000	The President
Navy	JIEDDO Battle Courses, Camp LeJeune, NC	$11,980,000	The Administration
Navy	Child Development Center, Camp LeJeune, NC	$16,000,000	The Administration
Navy	JIEDDO Battle Courses, Yorktown, VA	$8,070,000	The Administration
Navy	Network Infrastructure Expansion, Camp Lemonier, Djibouti	$6,270,000	The President
Navy	Water Production, Camp Lemonier, Djibouti	$19,140,000	The President
Navy	Full Length Taxiway, Camp Lemonier, Djibouti	$15,490,000	The Administration
Navy	Fuel Farm, Camp Lemonier, Djibouti	$4,000,000	The Administration
Navy	Western Taxiway, Camp Lemonier, Djibouti	$2,900,000	The Administration
Navy	Planning & Design, Various Locations, Worldwide	$11,791,000	The President
Air Force	Child Development Center, Beale AFB, CA	$17,600,000	The Administration
Air Force	Child Development Center, Eglin AFB, FL	$11,000,000	The Administration
Air Force	JIEDDO Training Facility, McGuire AFB, NJ	$6,200,000	The Administration
Air Force	Child Development Center, Cannon AFB, NM	$8,000,000	The Administration
Air Force	Strategic Ramp, Bagram, Afghanistan	$43,000,000	The President
Air Force	Parallel Taxiway, Phase 2, Bagram, Afghanistan	$21,400,000	The President
Air Force	East Side Helo Ramp, Bagram, Afghanistan	$44,400,000	The President
Air Force	ISR Ramp, Kandahar, Afghanistan	$26,300,000	The President
Air Force	Helicopter Maintenance Facilities, Balad AB, Iraq	$34,600,000	The President
Air Force	Foxtrot Taxiway, Balad AB, Iraq	$12,700,000	The President
Air Force	Fighter Ramp, Balad AB, Iraq	$11,000,000	The President
Air Force	Strategic Ramp, Manas AB, Kyrgyzstan	$30,300,000	The President
Air Force	Close Air Support Parking Apron, Al Udeid, Qatar	$60,400,000	The Administration
Air Force	Planning & Design, Various Locations, Worldwide	$35,000,000	The President
Defense-Wide	Special Operations Forces Warehouse, Al Udeid, Qatar	$6,600,000	The President
Defense-Wide	Burn Rehab Unit, Fort Sam Houston, TX	$21,000,000	The President
Family Housing, Navy & Marine Corps	Family Housing Improvements, Camp Pendleton, CA	$10,692,000	The President
Family Housing, Navy & Marine Corps	Family Housing Improvements, Twentynine Palms, CA	$1,074,000	The President
BRAC 2005	Walter Reed National Military Medical Center, MD	$415,910,000	The President
Army National Guard–	In the aftermath of Hurricane Katrina, Barracks Repair, Camp Shelby, MS	11,503	Senator Cochran
Family Housing Improvement Fund	In the aftermath of Hurricane Katrina, Family Housing Privatization, Gulfport, MS	10,500	Senator Cochran
SUBCOMMITTEE ON TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES			
Department of Housing and Urban Development: Permanent Supportive Housing.	Permanent Supportive Housing vouchers for the State of Louisiana for elderly, disabled and other at-risk homeless individuals directly impacted by Hurricane Katrina.	$76,000,000	Senator Landrieu
Department of Housing and Urban Development: Housing Transition Assistance.	Funding for the State of Louisiana for case management in housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005.	$3,000,000	Senator Landrieu
Department of Housing and Urban Development: Project-based Rental Assistance.	Project-based vouchers for the State of Mississippi to assist low-income and homeless individuals directly impacted by Hurricane Katrina.	$20,000,000	Senator Cochran
Department of Housing and Urban Development: Community Development Fund.	Funding for uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama.	$50,000,000	Senator Shelby

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports accompanying general appropriations bills identify each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The Committee is filing an original bill, which is not covered under this rule, but reports this information in the spirit of full disclosure.

The Committee recommends funding for the following programs which currently lack authorization for fiscal year 2008:

American Battle Monuments Commission
Department of Commerce:
Economic Development Administration
National Oceanic and Atmospheric Administration
Department of Defense—Military:
Fiscal year 2008:
National Guard Personnel, Air Force
National Guard and Reserve Equipment
Defense Cooperation Account (GP)
Fiscal year 2009:
Military Personnel, Army
Military Personnel, Navy
Military Personnel, Marine Corps
Military Personnel, Air Force
National Guard Personnel, Army
Operation and Maintenance, Army
Operation and Maintenance, Navy
Operation and Maintenance, Marine Corps
Operation and Maintenance, Air Force
Operation and Maintenance, Defense-wide
Operation and Maintenance, Army Reserve
Operation and Maintenance, Navy Reserve
Operation and Maintenance, Marine Corps Reserve Operation and Maintenance, Air Force Reserve Operation and Maintenance, Army National Guard Operation and Maintenance, Air National Guard Afghanistan Security Forces Fund Iraq Security Forces Fund
Aircraft Procurement, Army
Procurement of WTCV, Army
Procurement of Ammunition, Army
Other Procurement, Army
Other Procurement, Navy
Procurement, Marine Corps
Aircraft Procurement, Air Force
Other Procurement, Air Force
Procurement, Defense-wide
Research, Development, Test and Evaluation, Navy Research, Development, Test and Evaluation, Air Force Research, Development, Test and Evaluation, Defense-wide
Defense Health Program
Drug Interdiction and Counter-Drug Activities Joint Improvised Explosive Device Defeat Fund
Mine Resistant Ambush Protected Vehicle Fund (GP)
Department of Defense—Military Construction:
Military Construction, Army
Military Construction, Navy and Marine Corps
Military Construction, Air Force
Military Construction, Defense-Wide
Military Construction, Army National Guard
Family Housing Construction, Navy and Marine Corps
Base Realignment and Closure Account, 2005
Department of Justice:
Byrne Justice Assistance Grant Program [JAG]
Byrne Discretionary Grants
Department of the Army: Corps of Engineers:
Construction and Flood Control and Coastal Emergencies
Department of the Interior:
Secure Rural Schools
Department of Veterans Affairs:
Departmental Administration, General Operating Expenses
Departmental Administration, Information Technology Systems
Departmental Administration, Construction, Major Projects
Foreign Currency Fluctuations Account

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of the rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the Committee.''

In compliance with this rule, the following changes in existing law proposed to be made by this bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

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PART III—EMPLOYEES

* * * * *

SUBPART D—PAY AND ALLOWANCES

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CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§ 5710. Authority for travel expenses test programs

(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official [for a

period not to exceed 24 months] any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

* * * * *

(e) The authority to conduct test programs under this section shall expire [7 years] *16 years* after the date of the enactment of the Travel and Transportation Reform Act of 1998.

* * * * *

TITLE 8—ALIENS AND NATIONALITY

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CHAPTER 12—IMMIGRATION AND NATIONALITY

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

* * * * *

Sec. 218. H–2A employer applications.
Sec. 218A. H–2A worker employment requirements.
Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
Sec. 218C. Worker protections and labor standards enforcement.
Sec. 218D. Definitions.

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§ 1101. Definitions

(a) * * *
(1) * * *

* * * * *

(13)(A) * * *

* * * * *

(C) * * *
(i) * * *
(ii) has been absent from the United States for a continuous period in excess of 180 days, *except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,*

* * * * *

SUBCHAPTER II—IMMIGRATION

PART I—SELECTION SYSTEM

§ 1151. Worldwide level of immigration

* * * * *

[SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

[(a) CONDITIONS FOR APPROVAL OF H–2A PETITIONS.—

[(1) A petition to import an alien as an H–2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

[(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and

[(B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

[(2) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

[(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a) with respect to an employer if the conditions described in that subsection are not met or if any of the following conditions are met:

[(1) There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

[(2)(A) The employer during the previous two-year period employed H–2A workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers.

[(B) No employer may be denied certification under subparagraph (A) for more than three years for any violation described in such subparagraph.

[(3) The employer has not provided the Secretary with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

[(4) The Secretary determines that the employer has not made positive recruitment efforts within a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed. Positive recruitment under this paragraph is in addition to, and shall be conducted within the same time period as, the circulation through the interstate employment service system of the employer's job offer. The obligation to engage in positive recruitment under this paragraph shall terminate on the date the H–2A workers depart for the employer's place of employment.

[(c) SPECIAL RULES FOR CONSIDERATION OF APPLICATIONS.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification under this section:

[(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary of Labor may not require that the application be filed more than 45 days before the first date the employer requires the labor or services of the H–2A worker.

[(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—

[(A) The employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in subsection (a)(1)(A)) for approval.

[(B) If the application does not meet such standards, the notice shall include the reasons therefor and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

[(3) ISSUANCE OF CERTIFICATION.—

[(A) The Secretary of Labor shall make, not later than 30 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1) if—

[(i) the employer has complied with the criteria for certification (including criteria for the recruitment of eligible individuals as prescribed by the Secretary), and

[(ii) the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary. In considering the question of whether a specific qualification is appropriate in a job offer, the Secretary shall apply the normal and accepted qualifications required by non-H–2A-employers in the same or comparable occupations and crops.

[(B)(i) For a period of 3 years subsequent to the effective date of this section, labor certifications shall remain effective only if, from the time the foreign worker departs for the employer's place of employment, the employer will provide employment to any qualified United States worker who applies to the employer until 50 percent of the period of the work contract, under which the foreign worker who is in the job was hired, has elapsed. In addition, the employer will offer to provide benefits, wages and working conditions required pursuant to this section and regulations.

[(ii) The requirement of clause (i) shall not apply to any employer who—

[(I) did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor, as defined in section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (u)),

[(II) is not a member of an association which has petitioned for certification under this section for its members, and

[(III) has not otherwise associated with other employers who are petitioning for temporary foreign workers under this section.

[(iii) Six months before the end of the 3-year period described in clause (i), the Secretary of Labor shall consider the findings of the report mandated by section 403(a)(4)(D) of the Immigration Reform and Control Act of 1986 as well as other relevant materials, including evidence of benefits to United States workers and costs to employers, addressing the advisability of continuing a policy which requires an employer, as a condition for certification under this section, to continue to accept qualified, eligible United States workers for employment after the date the H–2A workers depart for work with the employer. The Secretary's review of such findings and materials shall lead to the issuance of findings in furtherance of the Congressional policy that aliens not be admitted under this section unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or service needed and that the employment of the aliens in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed. In the absence of the enactment of Federal legislation prior to three months before the end of the 3-year period described in clause (i) which addresses the subject matter of this subparagraph, the Secretary shall immediately publish the findings required by this clause, and shall promulgate, on an interim or final basis, regulations based on his findings which shall be effective no later than three years from the effective date of this section.

[(iv) In complying with clause (i) of this subparagraph, an association shall be allowed to refer or transfer workers among its members: *Provided,* That for purposes of this section an association acting as an agent for its members shall not be considered a joint employer merely because of such referral or transfer.

[(v) United States workers referred or transferred pursuant to clause (iv) of this subparagraph shall not be treated disparately.

[(vi) An employer shall not be liable for payments under section 655.202(b)(6) of title 20, Code of Federal Regulations (or any successor regulation) with respect to an H–2A worker who is displaced due to compliance with the requirement of this subparagraph, if the Secretary of Labor certifies that the H–2A worker was displaced because of the employer's compliance with clause (i) of this subparagraph.

[(vii)(I) No person or entity shall willfully and knowingly withhold domestic workers prior to the arrival of H–2A workers in order to force the hiring of domestic workers under clause (i).

[(II) Upon the receipt of a complaint by an employer that a violation of subclause (I) has occurred the Secretary shall immediately investigate. He shall within 36 hours of the receipt of the complaint issue findings concerning the alleged violation. Where the Secretary finds that a violation has occurred, he shall immediately suspend the application of clause (i) of this subparagraph with respect to that certification for that date of need.

[(4) HOUSING.—Employers shall furnish housing in accordance with regulations. The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: *Provided,* That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: *Provided further,* That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply: *Provided further,* That the Secretary of Labor shall issue regulations which address the specific requirements of housing for employees principally engaged in the range production of livestock: *Provided further,* That when it is the prevailing practice in the area and occupation of intended employment to provide family housing, family housing shall be provided to workers with families who request it: And *Provided further,* That nothing in this paragraph shall require an employer to provide or secure housing for workers who are not entitled to it under the temporary labor certification regulations in effect on June 1, 1986. The determination as to whether the housing furnished by an employer for an H–2A worker meets the requirements imposed by this paragraph must be made prior to the date specified in paragraph (3)(A) by which the Secretary of Labor is required to make a certification described in subsection (a)(1) with respect to a petition for the importation of such worker.

[(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

[(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association of agricultural producers which use agricultural services.

[(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its producer members to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

[(3) TREATMENT OF VIOLATIONS.—

[(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the member, the denial shall apply only to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

[(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—

[(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, had knowledge of, or reason to know of, the violation.

[(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, no individual producer member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the commodity and occupation in which such aliens were employed by the association which was denied certification during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

[(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—

[(1) Regulations shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or a revocation of such a certification or, at the applicant's request, for a de novo administrative hearing respecting the denial or revocation.

[(2) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of an H–2A worker if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified workers. If the employer asserts that any eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employmentrelated reasons.

[(f) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

[(g) AUTHORIZATIONS OF APPROPRIATIONS.—

[(1) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, $10,000,000 for the purposes—

[(A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii)(a), and

[(B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

[(2) The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

[(3) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(5)(A)(i).

[(4) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under this section.

[(h) MISCELLANEOUS PROVISIONS.—

[(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A.

[(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

[(i) DEFINITIONS.—For purposes of this section:

[(1) The term ''eligible individual'' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(h)(3) with respect to that employment.

[(2) The term ''H–2A worker'' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).]

SEC. 218. H–2A EMPLOYER APPLICATIONS.

(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

(A) the assurances described in subsection (b);

(B) a description of the nature and location of the work to be performed;

(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

(D) the number of job opportunities in which the employer seeks to employ the workers.

(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

(H) EMPLOYMENT OF UNITED STATES WORKERS.—

(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on ''America's Job Bank'' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

(d) WITHDRAWAL OF APPLICATIONS.—

(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

(e) REVIEW AND APPROVAL OF APPLICATIONS.—

(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

SEC. 218A. H–2A WORKER EMPLOYMENT REQUIREMENTS.

(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on

United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

(F) CHARGES FOR HOUSING.—

(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(iii) AMOUNT OF ALLOWANCE.—

(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(2) REIMBURSEMENT OF TRANSPORTATION.—

(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

(C) LIMITATION.—

(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

(3) REQUIRED WAGES.—

(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

(B) LIMITATION.—Effective on the date of the enactment of the Emergency Agriculture Relief Act of 2008 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2008, as established by section 655.107 of title 20, Code of Federal Regulations.

(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—If Congress does not set a new wage standard applicable to this section before March 1, 2012, the adverse effect wage rate for each State beginning on March 1, 2012 shall be the wage rate that would have resulted under the methodology in effect on January 1, 2008.

(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

(i) the worker's total earnings for the pay period;

(ii) the worker's hourly rate of pay, piece rate of pay, or both;

(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

(iv) the hours actually worked by the worker;

(v) an itemization of the deductions made from the worker's wages; and

(vi) if piece rates of pay are used, the units produced daily.

(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2010, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which

H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

(v) recommendations for future wage protection under this section.

(H) COMMISSION ON WAGE STANDARDS.—

(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the ''Commission'').

(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

(V) recommendations for future wage protection under this section.

(iv) FINAL REPORT.—Not later than December 31, 2010, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

(4) GUARANTEE OF EMPLOYMENT.—

(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the ''¾ guarantee'' described in subparagraph (A).

(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

(5) MOTOR VEHICLE SAFETY.—

(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

(ii) DEFINED TERM.—In this paragraph, the term ''uses or causes to be used''—

(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

(II) does not apply to—

(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

(c) CRITERIA FOR ADMISSIBILITY.—

(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

(d) PERIOD OF ADMISSION.—

(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

(B) the total period of employment, including such 14-day period, may not exceed 10 months.

(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

(e) ABANDONMENT OF EMPLOYMENT.—

(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

(f) REPLACEMENT OF ALIEN.—

(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

(A) who abandons or prematurely terminates employment; or

(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

(g) IDENTIFICATION DOCUMENT.—

(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

(A) The document shall be capable of reliably determining whether—

(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

(C) The document shall—

(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

(A) for a period of more than 10 months; or

(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

(B) DEFINITION.—For purposes of subparagraph (A), the term ''file'' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—Notwithstanding any provision of the Emergency Agriculture Relief Act of 2008, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, dairy worker, or horse worker—

(1) may be admitted for an initial period of 12 months;

(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—

(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term ''eligible alien'' means an alien—

(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, dairy worker, or horse worker;

(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

(A) the alien's employer on behalf of the eligible alien; or

(B) the eligible alien.

(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute

evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—

(1) INVESTIGATION OF COMPLAINTS.—

(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

(2) The reimbursement of transportation as required under section 218A(b)(2).

(3) The payment of wages required under section 218A(b)(3) when due.

(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

(5) The guarantee of employment required under section 218A(b)(4).

(6) The motor vehicle safety requirements under section 218A(b)(5).

(7) The prohibition of discrimination under subsection (d)(2).

(c) PRIVATE RIGHT OF ACTION.—

(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

(C) AUTHORIZATION.—

(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the

loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

(i) a recovery under a State workers' compensation law; or

(ii) rights conferred under a State workers' compensation law.

(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

(d) DISCRIMINATION PROHIBITED.—

(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

(f) ROLE OF ASSOCIATIONS.—

(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

SEC. 218D. DEFINITIONS.

For purposes of this section and section 218, 218A, 218B, and 218C:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

(2) BONA FIDE UNION.—The term ''bona fide union'' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

(3) DISPLACE.—The term ''displace'', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

(4) ELIGIBLE.—The term ''eligible'', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

(5) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(6) H–2A EMPLOYER.—The term ''H–2A employer'' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

(7) H–2A WORKER.—The term ''H–2A worker'' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

(8) JOB OPPORTUNITY.—The term ''job opportunity'' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

(9) LAYING OFF.—

(A) IN GENERAL.—The term ''laying off'', with respect to a worker—

(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

(10) REGULATORY DROUGHT.—The term ''regulatory drought'' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

(11) SEASONAL.—Labor is performed on a ''seasonal'' basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

(12) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(13) TEMPORARY.—A worker is employed on a ''temporary'' basis where the employment is intended not to exceed 10 months.

(14) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).

* * * * *

§ 1153. Allocation of immigrant visas

NOTE

PILOT IMMIGRATION PROGRAM

Pub. L. 102–395, title VI, Sec. 610, Oct. 6, 1992, 106 Stat. 1874, as amended by Pub. L. 105–119, title I, Sec. 116(a), Nov. 26, 1997, 111 Stat. 2467; Pub. L. 106–396, Sec. 402, Oct. 30, 2000, 114 Stat. 1647; Pub. L. 107–273, div. C, title I, Sec. 11037(a), Nov. 2, 2002, 116 Stat. 1847; Pub. L. 108–156, Sec. 4, Dec. 3, 2003, 117 Stat. 1945, provided that:

''(a) * * *

''(b) For purposes of the pilot program established in subsection (a), beginning on October 1, 1992, but no later than October 1, 1993, the Secretary of State, together with the Secretary of Homeland Security, shall set aside 3,000 visas annually [for 15 years] *for 20 years* to include such aliens as are eligible for admission under section 203(b)(5) of the Immigration and Nationality Act [8 U.S.C. 1153(b)(5)] and this section, as well as spouses or children which are eligible, under the terms of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], to accompany or follow to join such aliens.

* * * * *

PART II—ADMISSION QUALIFICATIONS FOR ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

* * * * *

§ 1181. Admission of immigrants into the United States

(a) * * *

(b) READMISSION WITHOUT REQUIRED DOCUMENTS; ATTORNEY GENERAL'S DISCRETION.—Notwithstanding the provisions of section 1182(a)(7)(A) of this title in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 1101(a)(27)(A), *including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate*, of this title, who are otherwise admissible may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation.

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§ 1182. Inadmissible aliens

(a) * * *

(1) * * *

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(D) * * *

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(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

(ii) OBLIGATION DEFINED.—In this subparagraph, the term ''obligation'' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

(I) the obligation was incurred by coercion or other improper means;

(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.

* * * * *

(7) * * *

(A) * * *

(i) * * *

(I) who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this chapter, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General under section 1181(a) of this Act *other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate*, or

* * * * *

§ 1184. Admission of nonimmigrants

(a) * * *

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(g) * * *

(1) * * *

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(9)(A) Subject to subparagraphs (B) and (C), [an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.] *an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.* Such an alien shall be considered a returning worker.

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PART V—ADJUSTMENT AND CHANGE OF STATUS

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§ 1255. Adjustment of status of nonimmigrant to that of person admitted for permanent residence

(a) * * *

* * * * *

(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) ELIGIBILITY.—The Secretary of Homeland Security shall provide for the filing of an adjustment application by an alien (and any eligible dependents of such alien) who has an approved or pending petition under subparagraph (E) or (F) of section 204(a)(1), regardless of whether an immigrant visa is immediately available at the time the application is filed.

(2) VISA AVAILABILITY.—An application filed pursuant to paragraph (1) shall not be approved until an immigrant visa becomes available.

(3) FEES.—If an application is filed pursuant to paragraph (1) at a time at which a visa is not immediately available, a fee, known as the Supplemental Adjustment of Status Application Fee, in the amount of $1500 shall be paid on behalf of the beneficiary of such petition. Such Fee may not be charged for a dependent accompanying or following to join such beneficiary.

SUBCHAPTER III—NATIONALITY AND NATURALIZATION

PART I—NATIONALITY AT BIRTH AND COLLECTIVE NATURALIZATION

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§ 1401. Nationals and citizens of United States at birth

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SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

(2) to meet the continuous residency requirements under section 316(b).

(b) DEFINITIONS.—In this section:

(1) CANDIDATE COUNTRY.—The term ''candidate country'' means a country that the Secretary of State determines to be—

(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

(2) ELIGIBLE ALIEN.—The term ''eligible alien'' means an alien who—

(A) has been lawfully admitted to the United States for permanent residence; and

(B) is a physician or other healthcare worker.

(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

(d) PUBLICATION.—The Secretary of State shall publish—

(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

(2) an updated version of the list required by paragraph (1) not less often than once each year; and

(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).

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TITLE 10—ARMED FORCES

* * * * *

Subtitle E—Reserve Components

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PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

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CHAPTER 1607—EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

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§ 16163. Eligibility for educational assistance

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(a) * * *

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(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—

(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 1606 of this title, chapter 30, 31, 32, *33*, or 35 of title 38, or under the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

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TITLE 18—CRIMES AND CRIMINAL PROCEDURE

PART I—CRIMES

CHAPTER 1—GENERAL PROVISIONS

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§ 7. Special maritime and territorial jurisdiction of the United States defined

* * * * *

(9) With respect to offenses committed by or against a national of the United States as that term is used in section 101 of the Immigration and Nationality Act—

(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in [section 3261(a)] *section 3261(a)(1) or section 3261(a)(2)* of this title.

* * * * *

CHAPTER 46—FORFEITURE

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§ 982. Criminal forfeiture

(a) * * *

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(2) The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate—

(A) * * *

(B) section 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 842, 844, 1028, 1029, [or 1030] *1030, or 1041* of this title,

shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

* * * * *

CHAPTER 47—FRAUD AND FALSE STATEMENTS

* * * * *

Sec.

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1040. * * *

1041. War profiteering and fraud.

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§ 1040. * * *

§ 1041. War profiteering and fraud

(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

(2) in connection with the contract or the provision of those goods or services—

(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(B) makes any materially false, fictitious, or fraudulent statements or representations; or

(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

(c) VENUE.—A prosecution for an offense under this section may be brought—

(1) as authorized by chapter 211 of this title;

(2) in any district where any act in furtherance of the offense took place; or

(3) in any district where any party to the contract or provider of goods or services is located.

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CHAPTER 95—RACKETEERING

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§ 1956. Laundering of monetary instruments

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(c) As used in this section—

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(7) the term ''specified unlawful activity'' means—

* * * * *

(D) an offense under section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section 152 (relating to concealment of assets; false oaths and claims; bribery), section 175c (relating to the variola virus), section 215 (relating to commissions or gifts for procuring loans), section 351 (relating to congressional or Cabinet officer assassination), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 513 (relating to securities of States and private entities), section 541 (relating to goods falsely classified), section 542 (relating to entry of goods by means of false statements), section 545 (relating to smuggling goods into the United States), section 549 (relating to removing goods from Customs custody), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section 875 (relating to interstate communications), section 922(*l*) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section 1005 (relating to fraudulent bank entries), 1006[2] (relating to fraudulent Federal credit institution entries), 1007[2] (relating to Federal Deposit Insurance transactions), 1014[2] (relating to fraudulent loan or credit applications), section 1030 (relating to computer fraud and abuse), 1032[2] (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution), *section 1041 (relating to war profiteering and fraud),* section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1201 (relating to kidnapping), section 1203 (relating to hostage taking), section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction), section 1708 (theft from the mail), section 1751 (relating to Presidential assassination), section 2113 or 2114 (relating to bank and postal robbery and theft), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms), section 2319 (relating to copyright infringement), section 2320 (relating to trafficking in counterfeit goods and services), section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2332g (relating to missile systems designed to destroy aircraft), section 2332h (relating to radiological dispersal devices), or section 2339A or 2339B (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code, a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than $5,000, any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming), any felony violation of the Foreign Agents Registration Act of 1938, any felony violation of the Foreign Corrupt Practices Act, or section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons)[3]

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CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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§ 1961. Definitions

As used in this chapter—

(1) ''racketeering activity'' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), *section 1041 (relating to war profiteering and fraud),* section 1084 (relating

to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1592 (relating to peonage, slavery, and trafficking in persons),[1] section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341–2346 (relating to trafficking in contraband cigarettes), sections 2421–24 (relating to white slave traffic), sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B);

* * * * *

PART II—CRIMINAL PROCEDURE

* * * * *

CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

* * * * *

§ 3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

(a) * * *

(1) while employed by or accompanying the Armed Forces outside the United States; [or]

(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice)[,]*;*

(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,

shall be punished as provided for that offense.

* * * * *

§ 3262. Arrest and commitment

(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in [section 3261(a)] *section 3261(a)(1) or 3261(a)(2)* if there is probable cause to believe that such person violated section 3261(a).

(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

[(b)] *(c)* Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

* * * * *

§ 3263. Delivery to authorities of foreign countries

(a) Any person designated and authorized under section 3262(a) may deliver a person described in [section 3261(a)] *section 3261(a)(1) or 3261(a)(2)* to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

* * * * *

§ 3264. Limitation on removal

(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person *described in section 3261(a)(1) or 3261(a)(2)* arrested for or charged with a violation of section 3261(a) shall not be removed—

* * * * *

§ 3265. Initial proceedings

(a)(1) In the case of any person *described in section 3261(a)(1) or 3261(a)(2)* arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

* * * * *

§ 3266. Regulations

(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons [under this chapter] *described in section 3261(a)(1) or 3261(a)(2)* and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

* * * * *

(c) * * *

(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.

* * * * *

§ 3267. Definitions

As used in this chapter:

(1) The term ''employed by the Armed Forces outside the United States'' means—

[(A) employed as—

[(i) a civilian employee of—

[(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

[(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

[(ii) a contractor (including a subcontractor at any tier) of—

[(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

[(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

[(iii) an employee of a contractor (or subcontractor at any tier) of—

[(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

[(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;]

(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

(ii) a contractor (including a subcontractor at any tier); or

(iii) an employee of a contractor (including a subcontractor at any tier);

* * * * *

(4) The terms ''Judge Advocate General'' and ''judge advocate'' have the meanings given such terms in section 801 of title 10.

(5) The term ''employed by any Department or agency of the United States other than the Armed Forces'' means—

(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

(i) a civilian employee;

(ii) a contractor (including a subcontractor at any tier); or

(iii) an employee of a contractor (including a subcontractor at any tier);

(B) present or residing outside the United States in connection with such employment; and

(C) not a national of or ordinarily a resident in the host nation.

(6) The term ''employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces'' means—

(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

(i) a civilian employee;

(ii) a contractor (including a subcontractor at any tier); or

(iii) an employee of a contractor (including a subcontractor at any tier);

(B) authorized in the course of such employment—

(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

(iii) to use force against another; or

(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

(C) present or residing outside the United States in connection with such employment; and

(D) not a national of or ordinarily resident in the host nation.

(7) The term ''qualifying military operation'' means—

(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

(B) a contingency operation (as defined in section 101 of title 10); or

(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.

* * * * *

CHAPTER 213—LIMITATIONS

* * * * *

§ 3287. Wartime suspension of limitations

When the United States is at war *or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))*, the running of any statute of limitations applicable to any offense—

(1) involving fraud or attempted fraud against the United States or any agency thereof in any manner, whether by conspiracy or not, or

(2) committed in connection with the acquisition, care, handling, custody, control or disposition of any real or personal property of the United States, or

(3) committed in connection with the negotiation, procurement, award, performance, payment for, interim financing, cancelation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war *or directly connected with or related to the authorized use of the Armed Forces*, or with any disposition of termination inventory by any war contractor or Government agency, shall be suspended until [three years] *5 years* after the termination of hostilities as [proclaimed by the President] *proclaimed by a Presidential proclamation, with notice to Congress*, or by a concurrent resolution of Congress.

Definitions of terms in section 103 of title 41 shall apply to similar terms used in this section.

For purposes of applying such definitions in this section, the term ''war'' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

* * * * *

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

* * * * *

CHAPTER 38—DEPARTMENT OF STATE

* * * * *

§ 2696. Nondiscretionary personnel costs, currency fluctuations, and other contingencies

(a) * * *

* * * * *

(b) * * *

* * * * *

(1) * * *

* * * * *

(7)(A) * * *

* * * * *

[(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.]

(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.

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TITLE 26—INTERNAL REVENUE CODE

* * * * *

SUBTITLE F—PROCEDURE AND ADMINISTRATION

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CHAPTER 76—JUDICIAL PROCEEDINGS

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SUBCHAPTER C—THE TAX COURT

* * * * *

PART III—MISCELLANEOUS PROVISIONS

* * * * *

§ 7472. Expenditures

The Tax Court is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary efficiently to execute the functions vested in the Tax Court. Notwithstanding any other provision of law, the Tax Court is authorized to pay on behalf of its judges, age 65 or over, any increase in the cost of Federal Employees' Group Life Insurance imposed *after April 24, 1999, that is incurred* after the date of the enactment of the Pension Protection Act of 2006, including any expenses generated by such payments, as authorized by the chief judge in a manner consistent with such payments authorized by the Judicial Conference of the United States pursuant to section 604(a)(5) of title 28, United States Code. Except as provided in section 7475, all expenditures of the Tax Court shall be allowed and paid, out of any moneys appropriated for purposes of the Tax Court, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the chief judge.

* * * * *

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

* * * * *

PART III—COURT OFFICERS AND EMPLOYEES

* * * * *

CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

* * * * *

§ 604. Duties of Director generally

(a) * * *

(1) * * *

* * * * *

(5) Fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law, and, notwithstanding any other provision of law, pay on behalf of Justices and judges of the United States appointed to hold office during good behavior, *bankruptcy judges appointed under chapter 6 of title 28; territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)); bankruptcy judges retired under section 377 of title 28; and judges retired under section 373 of title 28*, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States;

* * * * *

TITLE 38—VETERANS' BENEFITS

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

Chap. Sec.

* * * * *

32. * * *

33. Post-9/11 Educational Assistance 3301

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM

* * * * *

SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

* * * * *

§ 3015. Amount of basic educational assistance

(a) * * *

(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

[(A) for months beginning on or after January 1, 2002, $800;

[(B) for months occurring during fiscal year 2003, $900;

[(C) for months occurring during fiscal year 2004, $985; and]

(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and

[(D)] *(B)* for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or

* * * * *

(b) * * *

(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

[(A) for months beginning on or after January 1, 2002, $650;

[(B) for months occurring during fiscal year 2003, $732;

[(C) for months occurring during fiscal year 2004, $800; and]

(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and

[(D)] *(B)* for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or

* * * * *

(h)(1) With respect to any fiscal year, the Secretary shall provide a percentage increase in the rates payable under subsections (a)(1) and (b)(1) equal to the percentage by which—

[(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

[(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).]

(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).

* * * * *

SUBCHAPTER IV—TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT; GENERAL AND ADMINISTRATIVE PROVISIONS

* * * * *

§ 3033. Bar to duplication of educational assistance benefits

(a)(1) An individual entitled to educational assistance under a program established by this chapter who is also eligible for educational assistance under a program under chapter 31, 32, *33,* or 35 of this title, under chapter 106 or 107 of title 10, or under the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more of such programs concurrently but shall elect (in such form and manner as the Secretary may prescribe) under which program to receive educational assistance.

* * * * *

(c) An individual who serves in the Selected Reserve may not receive credit for such service under [both the program established by this chapter and the program established by chapter 106 of title 10] *two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10* but shall elect (in such form and manner as the Secretary may prescribe) the program to which such service is to be credited.

* * * * *

CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

SUBCHAPTER I—DEFINITIONS

Sec.
3301. Definitions.

SUBCHAPTER II—EDUCATIONAL ASSISTANCE

3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
3312. Educational assistance: duration.
3313. Educational assistance: amount; payment.
3314. Tutorial assistance.
3315. Licensure and certification tests.
3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
3317. Public-private contributions for additional educational assistance.
3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

3321. Time limitation for use of and eligibility for entitlement.
3322. Bar to duplication of educational assistance benefits.
3323. Administration.
3324. Allocation of administration and costs.

SUBCHAPTER I—DEFINITIONS

§ 3301. Definitions

In this chapter:

(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

(2) The term 'entry level and skill training' means the following:

(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

(E) In the case of members of the Coast Guard, Basic Training.

(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

SUBCHAPTER II—EDUCATIONAL ASSISTANCE

§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

(1) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty; or

(ii) is discharged or released from active duty as described in subsection (c).

(2) An individual who—

(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

(3) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 36 months; or

(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

(4) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 30 months; or

(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

(5) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 24 months; or

(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

(6) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 18 months; or

(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

(7) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 12 months; or

(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

(8) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 6 months; or

(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

(1) A discharge from active duty in the Armed Forces with an honorable discharge.

(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

(4) A discharge or release from active duty in the Armed Forces for—

(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

(B) hardship; or

(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

(3) A period of service that is terminated because of a defective enlistment and induction based on—

(A) the individual's being a minor for purposes of service in the Armed Forces;

(B) an erroneous enlistment or induction; or

(C) a defective enlistment agreement.

(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

§ 3312. Educational assistance: duration

(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

§ 3313. Educational assistance: amount; payment

(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

(B) A monthly stipend in an amount as follows:

(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

(I) $1,000, multiplied by

(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

(A) The amount equal to the lesser of—

(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

(B) the number of course hours for full-time pursuit of such program of education.

(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

(2) Established charges shall be determined for purposes of this subsection on the following basis:

(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

§ 3314. Tutorial assistance

(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

(A) such benefits are essential to correct a deficiency of the individual in such course; and

(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

§ 3315. Licensure and certification tests

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

(1) $2,000; or

(2) the fee charged for the test.

(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

§ 3317. Public-private contributions for additional educational assistance

(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between

the Secretary and such college or university under subsection (c).

§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

(2) who—

(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

(1) DD Form 214, Certification of Release or Discharge from Active Duty.

(2) The most recent Federal income tax return.

(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.

* * * * *

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

§ 3321. Time limitation for use of and eligibility for entitlement

(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

§ 3322. Bar to duplication of educational assistance benefits

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

§ 3323. Administration

(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

§ 3324. Allocation of administration and costs

(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.

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CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

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SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

* * * * *

§ 3485. Work-study allowance

(a)(1) * * *

* * * * *

(b) Notwithstanding any other provision of law, the Secretary shall, subject to the provisions of subsection (e) of this section, utilize, in connection with the activities specified in subsection (a)(1) of this section, the service of individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, *33,* or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student. In carrying out this section, the Secretary, wherever feasible, shall give priority to veterans with disabilities rated at 30 percent or more for purposes of chapter 11 of this title. In the event an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual may, with the approval of the Secretary, be permitted to complete such agreement.

* * * * *

(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into an agreement with an individual under this section, or a modification of such an agreement, whereby the individual agrees to perform services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefits program under this chapter, chapter 30, 31, 32, *33,* 35, or 36 of this title, or chapter 106 of title 10 (other than an indebtedness arising from a refund penalty imposed under section 2135 of such title).

* * * * *

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

* * * * *

SUBCHAPTER I—STATE APPROVING AGENCIES

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§ 3674. Reimbursement of expenses

(a)(1) * * *

* * * * *

(4) The total amount made available under this section for any fiscal year [may not exceed $13,000,000 or, for each of fiscal years 2001 and 2002, $14,000,000, for fiscal year 2003, $14,000,000, for fiscal year 2004, $18,000,000, for fiscal year 2005, $18,000,000, for fiscal year 2006, $19,000,000, and for fiscal year 2007, $19,000,000. For any fiscal year in which the total amount that would be made available under this section would exceed the amount applicable to that fiscal year under the preceding sentence except for the provisions of this paragraph, the Secretary shall provide that each agency shall receive the same percentage of the amount applicable to that fiscal year under the preceding sentence as the agency would have received of the total amount that would have been made available without the limitation of this paragraph] *shall be $19,000,000*.

* * * * *

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

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§ 3688. Measurement of courses

(a) For the purposes of this chapter and chapters 34 and 35 of this title—

* * * * *

(b) The Secretary shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter, chapter 30, 32, *33*, or 35 of this title, or chapter 106 of title 10.

* * * * *

§ 3689. Approval requirements for licensing and certification testing

(a) IN GENERAL.—

(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, *33*, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

* * * * *

(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—

(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, *33*, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

(A) * * *

* * * * *

(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, *33*, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

* * * * *

(d) ADMINISTRATION.—Except as otherwise specifically provided in this section or chapter 30, 32, *33*, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a ''course'' and the organization or entity that offers such test is deemed to be an ''institution'' or ''educational institution'', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—

(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the ''Committee'').

(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, *33*, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

* * * * *

§ 3690. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

OVERCHARGES BY EDUCATIONAL INSTITUTIONS

(a) If the Secretary finds that an educational institution has—

* * * * *

(b)(1) * * *

* * * * *

(3)(A) The Secretary may suspend educational assistance to eligible veterans and eligible persons already enrolled, and may disapprove the enrollment or reenrollment of any eligible veteran or eligible person, in any course as to which the Secretary has evidence showing a substantial pattern of eligible veterans or eligible persons, or both, who are receiving such assistance by virtue of their enrollment in such course but who are not entitled to such assistance because (i) the course approval requirements of this chapter are not being met, or (ii) the educational institution offering such course has violated one or more of the recordkeeping or reporting requirements of this chapter or chapter 30, 32, *33*, 34, or 35 of this title.

* * * * *

§ 3692. Advisory committee

(a) There shall be a Veterans' Advisory Committee on Education formed by the Secretary which shall be composed of persons who are eminent in their respective fields of education, labor, and management and of representatives of institutions and establishments furnishing education to eligible veterans or persons enrolled under chapter 30, 32, *33*, or 35 of this title and chapter 1606 of title 10. The committee shall also, to the maximum extent practicable, include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, the post-Vietnam era, and the Persian Gulf War. The Assistant Secretary of Education for Postsecondary Education (or such other comparable official of the Department of Education as the Secretary of Education may designate) and the Assistant Secretary of Labor for Veterans' Employment and Training shall be ex officio members of the advisory committee.

(b) The Secretary shall consult with and seek the advice of the committee from time to time with respect to the administration of this chapter, chapters 30, 32, *33*, and 35 of this title, and chapter 1606 of title 10. The committee may make such reports and recommendations as it considers desirable to the Secretary and the Congress.

(c) The committee shall remain in existence until December 31, 2009.

* * * * *

§ 3695. Limitation on period of assistance under two or more programs

(a) * * *

(1) * * *

* * * * *

[(4) Chapters 30, 32, 34, 35, and 36 of this title, and the former chapter 33.]

(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.

* * * * *

§ 3697. Funding of contract educational and vocational counseling

(a) Subject to subsection (b) of this section, educational or vocational counseling services obtained by the Department of Veterans Affairs by contract and provided to an individual under section 3697A of this title or to an individual applying for or receiving benefits under section 1524 or chapter 30, 32, *33*, 34, or 35 of this title, or chapter 106 of title 10, shall be paid for out of funds appropriated, or otherwise available, to the Department of Veterans Affairs for payment of readjustment benefits.

* * * * *

§ 3697A. Educational and vocational counseling

(a) * * *

* * * * *

(b) For the purposes of this section, the term ''individual'' means an individual who—

(1) is eligible for educational assistance under chapter 30, 31, [or 32] *32, or 33* of this title or chapter 106 or 107 of title 10;

* * * * *

PART IV—GENERAL ADMINISTRATIVE PROVISIONS

* * * * *

CHAPTER 53—SPECIAL PROVISIONS RELATING TO BENEFITS

Sec.
5301. Nonassignability and exempt status of benefits.
5302. Waiver of recovery of claims by the United States
5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.

* * * * *

§ 5302. * * *

* * * * *

§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.

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TITLE 42—THE PUBLIC HEALTH AND WELFARE

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CHAPTER 6A—PUBLIC HEALTH SERVICE

* * * * *

SUBCHAPTER VI—NURSING WORKFORCE DEVELOPMENT

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PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

* * * * *

§ 296p. Nurse education, practice, and retention grants

(a) * * *

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SEC. 832. CAPITATION GRANTS.

(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

(c) GRANT COMPUTATION.—

(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

(B) $1,405 for each full-time or part-time student who—

(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

(ii) has not more than 3 years of academic credits remaining in the program.

(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

(i) the physical facilities at the school involved limit the school from enrolling additional students; or

(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

(F) Increasing enrollment of minority and diverse student populations.

(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

(I) Increasing integration of geriatric content into the core curriculum.

(J) Partnering with economically disadvantaged communities to provide nursing education.

(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

(2) not later than September 30, 2010, a final report on such results.

(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the ''Domestic Nursing Enhancement Account.'' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

(b) USE OF FUNDS.—Amounts collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.

* * * * *

CHAPTER 7—SOCIAL SECURITY

SUBCHAPTER II—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

§ 408. Penalties

(a) In general

* * * * *

(1) * * *

* * * * *

(e) Application of subsection (a)(6) and (7) to certain aliens

(1) Except as provided in paragraph (2), an alien—

(A) whose status is adjusted to that of lawful temporary resident under section 1160 or 1255a of title 8 or under section 902 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989,

(B) whose status is adjusted to that of permanent resident—

(i) under section 202 of the Immigration Reform and Control Act of 1986, or

(ii) pursuant to section 1259 of title 8, [or]

(C) who is granted special immigrant status under section 1101(a)(27)(I) of title 8, *or*

(D) who is granted emergency agricultural worker status under the Emergency Agriculture Relief Act of 2008,

shall not be subject to prosecution for any alleged conduct described in paragraph (6) or (7) of subsection (a) of this section if such conduct is alleged to have occurred prior to 60 days after November 5, [1990.] *1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted emergency agricultural worker status.*

* * * * *

§ 414. Insured status for purposes of old-age and survivors insurance benefits

For the purposes of this subchapter—

(a) * * *

(1) * * *

* * * * *

(d)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual granted emergency agricultural worker status under section 8011 of the Emergency Agriculture Relief Act of 2008, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

(e) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (d).

§ 415. Computation of primary insurance amount

For the purposes of this subchapter—

(a) * * *

* * * * *

(e) CERTAIN WAGES AND SELF-EMPLOYMENT INCOME NOT TO BE COUNTED.—For the purposes of subsections (b) and (d) of this section—

(1) in computing an individual's average indexed monthly earnings or, in the case of an individual whose primary insurance amount is computed under subsection (a) of this section as in effect prior to January 1979, average monthly wage, there shall not be counted the excess over $3,600 in the case of any calendar year after 1950 and before 1955, the excess over $4,200 in the case of any calendar year after 1954 and before 1959, the excess over $4,800 in the case of any calendar year after 1958 and before 1966, the excess over $6,600 in the case of any calendar year after 1965 and before 1968, the excess over $7,800 in the case of any calendar year after 1967 and before 1972, the excess over $9,000 in the case of any calendar year after 1971 and before 1973, the excess over $10,800 in the case of any calendar year after 1972 and before 1974, the excess over $13,200 in the case of any calendar year after 1973 and before 1975, and the excess over an amount equal to the contribution and benefit base (as determined under section 430 of this title) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective, (before the application, in the case of average indexed monthly earnings, of subsection (b)(3)(A) of this section) of (A) the wages paid to him in such year, plus (B) the self-employment income credited to such year (as determined under section 412 of this title); [and]

(2) if an individual's average indexed monthly earnings or, in the case of an individual whose primary insurance amount is computed under subsection (a) of this section as in effect prior to January 1979, average monthly wage, computed under subsection (b) of this section or for the purposes of subsection (d) of this section is not a multiple of $1, it shall be reduced to the next lower multiple of $1[.]*; and*

(3) in computing the average indexed monthly earnings of an individual, wages or self-employment income shall not be counted for any year for which no quarter of coverage may be credited to such individual pursuant to section 214(d).

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TITLE 49—TRANSPORTATION

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SUBTITLE VII—AVIATION PROGRAMS

PART A—AIR COMMERCE AND SAFETY

* * * * *

SUBPART III—SAFETY

* * * * *

CHAPTER 443—INSURANCE

* * * * *

§ 44302. General authority

(a) * * *

* * * * *

(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

* * * * *

(f) EXTENSION OF POLICIES.—

(1) In general.—The Secretary shall extend through [August 31, 2008,] *August 31, 2009,* and may extend through [December 31, 2008,] *December 31, 2009,* the termination date of any insurance policy that the Department of Transportation issued to an air carrier under subsection (a) and that is in effect on the date of enactment of this subsection on no less favorable terms to the air carrier than existed on June 19, 2002; except that the Secretary shall amend the insurance policy, subject to such terms and conditions as the Secretary may prescribe, to add coverage for losses or injuries to aircraft hulls, passengers, and crew at the limits carried by air carriers for such losses and injuries as of such date of enactment and at an additional premium comparable to the premium charged for third-party casualty coverage under such policy.

* * * * *

§ 44303. Coverage

(a) * * *

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(b) AIR CARRIER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—For acts of terrorism committed on or to an air carrier during the period beginning on September 22, 2001, and ending on [December 31, 2008,] *December 31, 2009,* the Secretary may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed $100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds $100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this subsection) under a cause of action arising out of such act. The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.

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SOCIAL SECURITY ACT

* * * * *

TITLE XVIII—HEALTH INSURANCE FOR THE AGED AND DISABLED

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§ 1848. * * *

(l) * * *

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(1) * * *

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(2) FUNDING.—

(A) AMOUNT AVAILABLE.—

(i) * * *

* * * * *

(III) For expenditures during 2013, an amount equal to [$4,960,000,000] *$3,940,000,000.*

(IV) For expenditures during 2014, an amount equal to $3,750,000,000.

(ii) LIMITATIONS ON EXPENDITURES.—

(I) * * *

* * * * *

(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.

(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''

(B) TIMELY OBLIGATION OF ALL AVAILABLE FUNDS FOR SERVICES.—The Secretary shall provide for expenditures from the Fund in a manner designed to provide (to the maximum extent feasible) for the obligation of the entire amount available for expenditures, after application of subparagraph (A)(ii), during—

(i) * * *

(ii) 2009 for payment with respect to physicians' services furnished during 2009; [and]

(iii) 2013 for payment with respect to physicians' services furnished during 2013[.]*; and*

(iv) 2014 for payment with respect to physicians' services furnished during 2014.

* * * * *

PART E—MISCELLANEOUS PROVISIONS

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HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM

* * * * *

SEC. 1897. * * *

* * * * *

(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.

MEDICARE IMPROVEMENT FUND

SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the ''Fund'') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

(b) FUNDING.—

(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.

* * * * *

LIMITATION ON CERTAIN PHYSICIAN REFERRALS

SEC. 1877. (a) PROHIBITION OF CERTAIN REFERRALS.—

* * * * *

(d) ADDITIONAL EXCEPTIONS RELATED ONLY TO OWNERSHIP OR INVESTMENT PROHIBITION.—The following, if not otherwise excepted under subsection (b), shall not be considered to be an ownership or investment interest described in subsection (a)(2)(A):

(1) HOSPITALS IN PUERTO RICO.—In the case of designated health services provided by a hospital located in Puerto Rico.

(2) RURAL PROVIDERS.—In the case of designated health services furnished in a rural area (as defined in section 1395ww(d)(2)(D) of this title) by an entity, if—

(A) substantially all of the designated health services furnished by the entity are furnished to individuals residing in such a rural area; **[**and**]**

(B) effective for the 18-month period beginning on December 8, 2003, the entity is not a specialty hospital (as defined in subsection (h)(7) of this section)**[**.**]***; and*

(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).

(3) HOSPITAL OWNERSHIP.—In the case of designated health services provided by a hospital (other than a hospital described in paragraph (1)) if—

(A) the referring physician is authorized to perform services at the hospital;

(B) effective for the 18-month period beginning on December 8, 2003, the hospital is not a specialty hospital (as defined in subsection (h)(7) of this section); **[**and**]**

(C) the ownership or investment interest is in the hospital itself (and not merely in a subdivision of the hospital)**[**.**]***; and*

(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.

* * * * *

(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

(A) PROVIDER AGREEMENT.—The hospital had—

(i) physician ownership on September 1, 2008; and

(ii) a provider agreement under section 1866 in effect on such date.

(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

(C) PREVENTING CONFLICTS OF INTEREST.—

(i) The hospital submits to the Secretary an annual report containing a detailed description of—

(I) the identity of each physician owner and any other owners of the hospital; and

(II) the nature and extent of all ownership interests in the hospital.

(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

(I) the ownership interest of such referring physician in the hospital; and

(II) if applicable, any such ownership interest of the treating physician.

(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

(I) on any public website for the hospital; and

(II) in any public advertising for the hospital.

(D) ENSURING BONA FIDE INVESTMENT.—

(i) Physician owners in the aggregate do not own more than the greater of—

(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

(II) the percentage of such total value determined on the date of enactment of this subsection.

(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

(E) PATIENT SAFETY.—

(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

(I) the hospital discloses such fact to a patient; and

(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

(ii) The hospital has the capacity to—

(I) provide assessment and initial treatment for patients; and

(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

(A) PROCESS.—

(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

(C) PERMITTED INCREASE.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

(E) APPLICABLE HOSPITAL.—In this paragraph, the term ''applicable hospital'' means a hospital—

(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to

such admissions for all hospitals located in the county in which the hospital is located;

(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.

* * * * *

TITLE XIX—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

* * * * *

STATE PLANS FOR MEDICAL ASSISTANCE

SEC. 1902. (a) A State plan for medical assistance must—* * *

* * * * *

(69) provide that the State must comply with any requirements determined by the Secretary to be necessary for carrying out the Medicaid Integrity Program established under section 1936; [and]

(70) at the option of the State and notwithstanding paragraphs (1), (10)(B), and (23), provide for the establishment of a non-emergency medical transportation brokerage program in order to more cost-effectively provide transportation for individuals eligible for medical assistance under the State plan who need access to medical care or services and have no other means of transportation which—

(A) may include a wheelchair van, taxi, stretcher car, bus passes and tickets, secured transportation, and such other transportation as the Secretary determines appropriate; and

(B) may be conducted under contract with a broker who—

(i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs;

(ii) has oversight procedures to monitor beneficiary access and complaints and ensure that transport personnel are licensed, qualified, competent, and courteous;

(iii) is subject to regular auditing and oversight by the State in order to ensure the quality of the transportation services provided and the adequacy of beneficiary access to medical care and services; and

(iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on the prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate)[.]*; and*

(71) provide that the State will implement an asset verification program as required under section 1940.

* * * * *

PAYMENT TO STATES

SEC. 1903. (a) From the sums appropriated therefor, the Secretary (except as otherwise provided in this section) shall pay to each State which has a plan approved under this title, for each quarter, beginning with the quarter commencing January 1, 1966—

* * * * *

(i) Payment under the preceding provisions of this section shall not be made—

* * * * *

(1) * * *

* * * * *

(22) with respect to amounts expended for medical assistance for an individual who declares under section 1137(d)(1)(A) to be a citizen or national of the United States for purposes of establishing eligibility for benefits under this title, unless the requirement of subsection (x) is met; [or]

(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad[.]*; or*

(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.

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SEC. 1927. (a) REQUIREMENT FOR REBATE AGREEMENT.

* * * * *

(c) DETERMINATION OF AMOUNT OF REBATE.—

(1) BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amount of the rebate specified in this subsection for a rebate period (as defined in subsection (k)(8)) with respect to each dosage form and strength of a single source drug or an innovator multiple source drug shall be equal to the product of—

* * * * *

(D) LIMITATION ON SALES AT A NOMINAL PRICE.—

(i) IN GENERAL.—For purposes of subparagraph (C)(ii)(III) and subsection (b)(3)(A)(iii)(III), only sales by a manufacturer of covered outpatient drugs at nominal prices to the following shall be considered to be sales at a nominal price or merely nominal in amount:

(I) A covered entity described in section 340B(a)(4) of the Public Health Service Act.

(II) An intermediate care facility for the mentally retarded.

(III) A State-owned or operated nursing facility.

(IV) An entity that—

(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.

[(IV)] *(VI)* Any other facility or entity that the Secretary determines is a safety net provider to which sales of such drugs at a nominal price would be appropriate based on the factors described in clause (ii).

* * * * *

(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.

* * * * *

HEALTH OPPORTUNITY ACCOUNTS

REFERENCES TO LAWS DIRECTLY AFFECTING MEDICAID PROGRAM

SEC. 1939. (a) AUTHORITY OR REQUIREMENTS TO COVER ADDITIONAL INDIVIDUALS.—For provisions of law which make additional individuals eligible for medical assistance under this title, see the following:

ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

SEC. 1940. (a) IMPLEMENTATION.—

(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

(3) PHASE-IN.—

(A) IN GENERAL.—

(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

(I) 12.5 percent by the end of fiscal year 2009.

(II) 25 percent by the end of fiscal year 2010.

(III) 50 percent by the end of fiscal year 2011.

(IV) 75 percent by the end of fiscal year 2012.

(V) 100 percent by the end of fiscal year 2013.

(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

(b) ASSET VERIFICATION PROGRAM.—

(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

(2) the cessation of the recipient's eligibility for such medical assistance; or

(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.

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OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996, PUBLIC LAW 104–134

* * * * *

SUPPLEMENTAL APPROPRIATIONS ACT OF 1996

* * * * *

TITLE III

RESCISSIONS AND OFFSETS

CHAPTER 1

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

* * * * *

SEC. 3102. DEFINITIONS.

[For purposes] *Except as provided in section 3112A, for purposes* of this subchapter:

* * * * *

SEC. 3112. URANIUM TRANSFERS AND SALES.

(a) TRANSFERS AND SALES BY THE SECRETARY.—[The Secretary] *Except as provided in section 3112A(d), the Secretary* shall not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as consistent with this section.

* * * * *

(f) SAVINGS PROVISION.—Nothing in this subchapter shall be read to modify the terms of the Russian HEU Agreement.

SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

(a) DEFINITIONS.—In this section:

(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term ''completion of the Russian HEU Agreement'' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

(2) DOWNBLENDING.—The term ''downblending'' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

(3) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' has the meaning given that term in section 3102(4).

(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term ''highly enriched uranium of weapons origin'' means highly enriched uranium that—

(A) contains 90 percent or more uranium-235; and

(B) is verified by the Secretary of Energy to be of weapons origin.

(5) LOW-ENRICHED URANIUM.—The term ''low-enriched uranium'' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

(6) RUSSIAN HEU AGREEMENT.—The term ''Russian HEU Agreement'' has the meaning given that term in section 3102(11).

(7) URANIUM-235.—The term ''uranium-235'' means the isotope ^{235}U.

(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

(B) ADDITIONAL IMPORTS.—

(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not

such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

(4) ANNUAL ADJUSTMENT.—

(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

(A) December 31, 2020; or

(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

(12) EFFECT ON OTHER AGREEMENTS.—

(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

(1) in the event of a disruption in the nuclear fuel supply in the United States; or

(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

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AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000, PUBLIC LAW 106–313

* * * * *

TITLE I—AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY

SEC. 101. * * *

* * * * *

SEC. 106. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) * * *

* * * * *

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year *1994, 1996, 1997, 1998,* 2001, 2002, 2003, [or 2004] *2004, or 2006* and the number of such visas that were actually used in such fiscal year [shall be available only to employment-based immigrants (and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d))) whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor.] *shall be available only to—*

(A) an employment-based immigrant under paragraph (1), (2), (3)(A)(i), or (3)(A)(ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), except for employment-based immigrants whose petitions are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations; or

(B) a spouse or child accompanying or following to join such an employment-based immigrant under section 203(d) of such Act (8 U.S.C. 1153(d)).

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal [years 1999 through 2004] *year 1994 and each subsequent fiscal year* and the number of such visas that were actually used in such fiscal years.

(B)[(i)] REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

[(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.]

* * * * *

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

(4) EMPLOYMENT-BASED VISA RECAPTURE FEE.—A fee shall be paid in connection with any petition seeking an employment-based immigrant visa number recaptured under paragraph (1), known as the Employment-Based Visa Recapture Fee, in the amount of $1500. Such Fee may not be charged for a dependent accompanying or following to join such employment-based immigrant.

(e) VISA SHORTAGE RELIEF FOR NURSES AND PHYSICAL THERAPISTS.—

(1) IN GENERAL.—Subject to paragraph (2), for petitions filed during the period beginning on the date of the enactment of the Emergency Nursing Supply Relief Act and ending on September 30, 2011, for employment-based immigrants (and their family members accompanying or following to join under section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)), which are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, the numerical limitations set forth in sections 201(d) and 202(a) of such Act (8 U.S.C. 1151(d) and 1152(a)) shall not apply.

(2) LIMITATION ON NUMBER OF VISAS.—The Secretary of State may not issue more than 20,000 immigrant visa numbers in any one fiscal year (plus any available visa numbers under this paragraph not used during the preceding fiscal year) to principal beneficiaries of petitions pursuant to paragraph (1).

(3) EXPEDITED REVIEW.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in paragraph (1) not later than 30 days after the date on which a completed petition has been filed.

(f) FEE FOR USE OF VISAS UNDER SUBSECTION (a).—

(1) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa provided under subsection (e) to provide employment for an alien as a professional nurse, except that—

(A) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

(B) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

(i) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

(ii) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

(2) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to paragraph (1) shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.

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SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000, PUBLIC LAW 106–393

* * * * *

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

* * * * *

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, [2007] *2008*. Any project funds not obligated by September 30, [2008] *2009*, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

* * * * *

SEC. 303. TERMINATION OF AUTHORITY.

* * * * *

The authority to initiate projects under this title shall terminate on September 30, [2007] *2008*. Any county funds not obligated by September 30, [2008] *2009* shall be available to be expended by the county for the uses identified in section 302(b).

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DEFICIT REDUCTION ACT, 2005, PUBLIC LAW 109–171

TITLE III—DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY

* * * * *

§ 3008. LOW-POWER TELEVISION AND TRANSLATOR DIGITAL-TO-ANALOG CONVERSION.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The Assistant Scretary shall make payments of not to exceed $10,000,000, in the aggregate, during the fiscal year 2008 and 2009 period from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each eligible low-power television station may receive compensation toward the cost of the purchase of a digital-to-analog conversion device that enables it to convert the incoming digital signal of its corresponding full-power television station to analog format for transmission on the low-power television station's analog channel. An eligible low-power television station may receive such compensation only if it submits a request for such compensation on or before February 17, 2009. Priority compensation shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.

(2) USE OF FUNDS.—As soon as practicable after the date of enactment of this Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.

* * * * *

§ 3009. LOW-POWER TELEVISION AND TRANSLATOR UPGRADE PROGRAM.

(a) ESTABLISHMENT.—The Assistant Secretary shall make payments of not to exceed $65,000,000, in the aggregate, during [fiscal year 2009] *fiscal years 2009 through 2012* from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each licensee of an eligible low-power television station may receive reimbursement for equipment to upgrade low-power television stations from analog to digital in eligible rural communities, as that term is defined in section 610(b)(2) of the Rural Electrification Act of 1937 (7 U.S.C. 950bb(b)(2)). Such reimbursements shall be issued to eligible stations [no earlier than October 1, 2010] *on or after February 18, 2009*. Priority reimbursements shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.

* * * * *

CONSOLIDATED APPROPRIATIONS ACT, 2004, PUBLIC LAW 108–199

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DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2004

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TITLE VI—GENERAL PROVISIONS

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SEC. 627. The Departments of Commerce, Justice, State, the Judiciary, and the Small Business Administration shall each establish a policy under which eligible employees may participate in telecommuting to the maximum extent possible without diminished employee performance: *Provided*, That, not later than 6 months after the date of the enactment of this Act, each of the aforementioned entities shall provide that the requirements of this section are applied to 100 percent of the workforce: *Provided further*, That, of the funds appropriated in this Act for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, $200,000 shall be available to each Department or agency only to implement telecommuting programs: *Provided further*, That, every 6 months, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs, and uses of funds designated under this section: *Provided further*, That each Department or agency shall [designate a ''Telework Coordinator'' to be] *appoint a Telework Managing Officer to be* responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.

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CONSOLIDATED APPROPRIATIONS ACT, 2005, PUBLIC LAW 108–447

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DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

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TITLE VI—GENERAL PROVISIONS

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SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*,

That, of the total amounts appropriated to the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification: *Provided further,* That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further,* That each Department or agency shall [designate a ''Telework Coordinator'' to be] *appoint a Telework Managing Officer to be* responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

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FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006, PUBLIC LAW 109–282

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SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Funding Accountability and Transparency Act of 2006''.

SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) * * *

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(b) IN GENERAL.—

(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section, section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

(A) * * *

* * * * *

(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; [and]

(F) the names and total compensation of the five most highly compensated officers of the entity if—

(i) the entity in the preceding fiscal year received—

(I) 80 percent or more of its annual gross revenues in Federal awards; and

(II) $25,000,000 or more in annual gross revenues from Federal awards; and

(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

[(F)] *(G)* any other relevant information specified by the Office of Management and Budget.

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U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007, PUBLIC LAW 110–28

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TITLE VII—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

* * * * *

SEC. 7002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, [prior to the date that is 1 year after the date of enactment of this Act] *prior to April 1, 2009,* take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) *or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)*;

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program, *including the proposed regulation published on May 23, 2007 (72 Federal Register 28930).*

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TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 8101. * * *

* * * * *

[SEC. 8104. STUDY ON PROJECTED IMPACT.

[(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

[(1) assess the impact of the wage increases required by this Act through such date; and

[(2) project the impact of any further wage increase, [on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

[(b) REPORT.—Not later than the date that is 8 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).]

SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey, with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.

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TMA, ABSTINENCE EDUCATION, AND QI PROGRAMS EXTENSION ACT OF 2007, PUBLIC LAW 110–90

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[SEC. 4. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

[(a) IN GENERAL.—Beginning on October 1, 2007, and ending on September 30, 2012, the Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

[(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

[(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits

under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.]

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DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008, PUBLIC LAW 110–116

DIVISION A—DEPARTMENT OF DEFENSE, 2008

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TITLE VIII

GENERAL PROVISIONS

* * * * *

SEC. 8122. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $11,630,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2008.

* * * * *

(c)(1) * * *

* * * * *

(3) * * *

(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the ''Mine Resistant Ambush Protected Vehicle Fund''.

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MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007, PUBLIC LAW 110–173

* * * * *

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to [June 30, 2008] *April 1, 2009*, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services, *including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)*, or school-based administration and school-based transportation, *including the final regulation published on December 28, 2007 (72 Federal Register 73635)*, if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008, PUBLIC LAW 110–181

* * * * *

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

* * * * *

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) * * *

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(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), [$362,159,000] *$435,259,000* for the Military Budget.

* * * * *

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	TITLE I			
	OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS			
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
	Foreign Agricultural Service			
110–68	Public Law 480 Title II Grants (emergency)	350,000	850,000	+500,000
110–108	Advance appropriation, fiscal year 2009 (emergency	395,000	395,000	
	Total, Chapter 1	745,000	1,245,000	+500,000
	Emergency appropriations, fiscal year 2008	(350,000)	(850,000)	(+500,000)
	Advance appropriation, fiscal year 2009 (emergency)	(395,000)	(395,000)	
	CHAPTER 2			
	DEPARTMENT OF JUSTICE			
	General Administration			
	Office of Inspector General (emergency)		4,000	+4,000
	Legal Activities			
	General Legal Activities			
110–3	Salaries and expenses (emergency)	4,093	1,648	−2,445
	United States Attorneys			
110–3	Salaries and expenses (emergency)	5,000	5,000	
	United States Marshals Service			
110–3	Salaries and expenses (emergency)	14,921	18,621	+3,700
	Total, Legal activities	24,014	25,269	+1,255
	Federal Bureau of Investigation			
110–3	Salaries and expenses (emergency)	101,122	164,965	+63,843
110–108	Advance appropriation, fiscal year 2009 (emergency)	39,062	82,600	+43,538
	Total, Federal Bureau of Investigation	140,184	247,565	+107,381
	Drug Enforcement Administration			
110–3	Salaries and expenses (emergency)	8,468	22,666	+14,198
	Bureau of Alcohol, Tobacco, Firearms and Explosives			
110–3	Salaries and expenses (emergency)	4,000	4,000	
	Federal Prison System			
110–3	Salaries and expenses (emergency)	9,100	9,100	
	Total, Chapter 2	185,766	312,600	+126,834
	(Emergency appropriations)	146,704	230,000	+83,296
	(Advance appropriation, fiscal year 2009)	39,062	82,600	+43,538
	CHAPTER 3			
	DEPARTMENT OF DEFENSE			
110–3, 110–68	Military construction, Army (emergency)	1,440,750	1,170,200	−270,550
110–3, 110–68	Military construction, Navy and Marine Corps (emergency)	237,505	300,084	+62,579
110–68	Military construction, Air Force (emergency)	305,000	361,900	+56,900

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
110–68	Military construction, Defense-Wide (emergency)	27,600	27,600	
	Total, Active components	2,010,855	1,859,784	−151,071
	Family Housing			
110–3	Family housing construction, Navy and Marine Corps (emergency)	11,766	11,766	
110–68	Base realignment and closure account, 2005 (emergency)	415,910	1,202,886	+786,976
	Total, Department of Defense	2,438,531	3,074,436	+635,905
	DEPARTMENT OF VETERANS AFFAIRS			
	Departmental Administration			
	General Operating Expenses (emergency)		100,000	+100,000
	Information Technology Systems (emergency)		20,000	+20,000
	Construction, major (emergency)		437,100	+437,100
	Total, Departmental Administration		557,100	+557,100
	General Provisions			
	Sec. 1301 Child development centers, Army (emergency)		70,600	+70,600
	Sec. 1302 Child development centers, Navy (emergency)		89,820	+89,820
	Sec. 1303 Child development centers, Air Force (emergency)		8,100	+8,100
	Sec. 1304 Barracks improvements (emergency)		200,000	+200,000
	Total, General Provisions		368,520	+368,520
	Total, Chapter 3	2,438,531	4,000,056	+1,561,525
	CHAPTER 4			
	SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
110–68	Diplomatic and consular programs (emergency)	1,708,008	1,413,700	−294,308
	Office of Inspector General (emergency)		12,500	+12,500
	Educational and cultural exchange program (emergency)		10,000	+10,000
110–3	Embassy security, construction, and maintenance (emergency)	160,000	76,700	−83,300
	Total, Administration of Foreign Affairs	1,868,008	1,512,900	−355,108
	International Organizations			
110–3	Contributions to international organizations (emergency)	53,000	66,000	+13,000
110–3	Contributions for international peacekeeping activities, current year (emergency)	333,600	383,600	+50,000
	Total, International Organizations	386,600	449,600	+63,000
	RELATED AGENCY			
	Broadcasting Board of Governors			
	International Broadcasting Operations (emergency)		3,000	+3,000
	Total, Department of State	2,254,608	1,965,500	−289,108
	BILATERAL ECONOMIC ASSISTANCE			
	Funds Appropriated to the President			
	International disaster assistance (emergency)		240,000	+240,000
110–3	Operating expenses of the U.S. Agency for International Development (emergency)	41,000	149,500	+108,500
	Operating expenses of the U.S. Agency for International Development Office of Inspector General (emergency)		4,000	+4,000
	Total, Funds Appropriated to the President	41,000	393,500	+352,500
	Other Bilateral Economic Assistance			
110–3	Economic support fund (emergency)	2,009,000	1,962,500	−46,500
	Department of State			
	Democracy fund (emergency)		76,000	+76,000
110–3, 110–68	International narcotics control and law enforcement (emergency)	734,000	520,000	−214,000
110–3	Migration and refugee assistance (emergency)	30,000	330,500	+300,500
	Emergency migration and refugee assistance (emergency)		36,608	+36,608
110–68	Nonproliferation, anti-terrorism, demining and related programs (emergency)	5,000	10,000	+5,000
	Total, Department of State	769,000	973,108	+204,108
	Military Assistance			
	Funds Appropriated to the President			
	Peacekeeping operations (emergency)		10,000	+10,000
	Total, Subchapter A	5,073,608	5,304,608	+231,000
	SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
110–108	Diplomatic and consular programs (emergency)	1,064,500	652,400	−412,100
110–108	Office of Inspector General (emergency)	16,800	57,000	+40,200
	Embassy Security, construction and Maintenance (emergency)		41,300	+41,300
	Total, Administration of Foreign Affairs	1,081,300	750,700	−330,600
	International Organizations			
110–108	Contributions to international organizations (emergency)	40,000	75,000	+35,000
	Contributions for international peacekeeping activities, current year (emergency)		150,500	+150,500
	Total, International Organizations	40,000	225,500	+185,500
	Total, Department of State	1,121,300	976,200	−145,100

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	RELATED AGENCY			
	Broadcasting Board of Governors			
	International Broadcasting Operations (emergency)		6,000	+6,000
	BILATERAL ECONOMIC ASSISTANCE			
	Funds Appropriated to the President			
	Global Health and Child Survival (emergency)		75,000	+75,000
110–108	Development Assistance (emergency)	210,000	200,000	−10,000
110–108	International disaster assistance (emergency)	270,000	200,000	−70,000
110–108	Operating expenses of the U.S. Agency for International Development (emergency)	60,000	93,000	+33,000
	Operating expenses of the U.S. Agency for International Development Office of Inspector General (emergency)		1,000	+1,000
	Total, Funds Appropriated to the President	540,000	569,000	+29,000
	Other Bilateral Economic Assistance			
110–108	Economic support fund (emergency)	1,297,800	1,132,300	−165,500
	Department of State			
110–108	International narcotics control and law enforcement (emergency)	225,000	151,000	−74,000
110–108	Migration and refugee assistance (emergency)	191,000	350,000	+159,000
	Nonproliferation, anti-terrorism, demining and related programs (emergency)		4,500	+4,500
	Total, Department of State	416,000	505,500	+89,500
	Military Assistance			
	Funds Appropriated to the President			
110–108	Foreign Military Financing program grants (emergency)	170,000	145,000	−25,000
110–108	Peacekeeping operations (emergency)	60,000	85,000	+25,000
	Total, Military Assistance	230,000	230,000	
	Total, Subchapter B	3,605,100	3,419,000	−186,100
	SUBCHAPTER C			
	GENERAL PROVISIONS			
	Sec. 1410(a) Contribution to World Food Program		20,000	+20,000
	(Rescission)		−20,000	−20,000
	Sec. 1410(b) Sudan		10,000	+10,000
	(Rescission)		−10,000	−10,000
	Sec. 1410(c) Mexico IRRF (rescission of emergency appropriations)		−50,000	−50,000
	Sec. 1410(d) Horn of Africa (emergency)		40,000	+40,000
	Rescission of emergency appropriations		−40,000	−40,000
	Sec. 1412 Food Security and Cyclone relief		225,000	+225,000
	(Rescission)		−225,000	−225,000
	Sec. 1414 Jordan		300,000	+300,000
	(Rescission)		−300,000	−300,000
	Total, General Provisions		−50,000	−50,000
	Total, Subchapter C		−50,000	−50,000
	Appropriations		(555,000)	(+555,000)
	Emergency appropriations, fiscal year 2008		(40,000)	(+40,000)
	Rescissions		(−555,000)	(−555,000)
	Rescission of emergency appropriations		(−90,000)	(−90,000)
	Total, Chapter 4	8,678,708	8,673,608	−5,100
	Appropriations		(555,000)	(+555,000)
	Emergency appropriations, fiscal year 2008	(5,073,608)	(5,344,608)	(+271,000)
	Advance appropriation, fiscal year 2009 (emergency)	(3,605,100)	(3,419,000)	(−186,100)
	Rescissions		(−555,000)	(−555,000)
	Rescission of emergency appropriations		(−90,000)	(−90,000)
	Total, Title I	12,048,005	14,231,264	+2,183,259
	Appropriations		(555,000)	(+555,000)
	Emergency appropriations, fiscal year 2008	(8,008,843)	(10,424,664)	(+2,415,821)
	Advance appropriation, fiscal year 2009 (emergency)	(4,039,162)	(3,896,600)	(−142,562)
	Rescissions		(−555,000)	(−555,000)
	Rescission of emergency appropriations		(−90,000)	(−90,000)
	TITLE II			
	DOMESTIC MATTERS			
	CHAPTER 1			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Food and Drug Administration			
	Salaries and expenses (emergency)		265,000	+265,000
	Buildings and facilities (emergency)		10,000	+10,000
	Total, Chapter 1		275,000	+275,000
	Chapter 2			
	DEPARTMENT OF COMMERCE			
	Bureau of the Census			
	Periodic Censuses and programs (emergency)		210,000	+210,000
	DEPARTMENT OF JUSTICE			
	United States Marshals Service			
	Salaries and expenses (emergency)		50,000	+50,000
	Federal Prison System			
	Salaries and expenses (emergency)		178,000	+178,000
	Office of Justice Programs			
	State and Local Law Enforcement Assistance (emergency)		590,000	+590,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Total, Department of Justice		818,000	+818,000
	SCIENCE			
	National Aeronautics and Space Administration			
	Return to Flight (emergency)		200,000	+200,000
	National Science Foundation			
	Research and related agencies (emergency)		150,000	+150,000
	Education and human resources (emergency)		50,000	+50,000
	Total, National Science Foundation		200,000	+200,000
	Total, Chapter 2		1,428,000	+1,428,000
	Chapter 3			
	DEPARTMENT OF ENERGY			
	Energy Programs			
	Non-defense environmental clean up (emergency)		5,000	+5,000
	Uranium enrichment decontamination and decommissioning fund (emergency)		52,000	+52,000
	Science (emergency)		100,000	+100,000
	Total, Energy Programs		157,000	+157,000
	Atomic Energy Defenses Activities			
	Defenses environmental cleanup (emergency)		243,000	+243,000
	Total, Chapter 3		400,000	+400,000
	Chapter 4			
	General Provision			
	Sec. 2401 Small Business Administration (emergency)		600	+600
	Total, Chapter 4		600	+600
	Chapter 5			
	DEPARTMENT OF THE INTERIOR			
	General Provisions			
	Secure Rural Schools (emergency)		400,000	+400,000
	Total, Chapter 5		400,000	+400,000
	Chapter 6			
	DEPARTMENT OF LABOR			
	Employment and Training Administration			
	State Unemployment Insurances and Employment Service Operations (emergency)		110,000	+110,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Centers for Disease Control and Prevention			
	Disease control, research and training (emergency)		26,000	+26,000
	National Institutes of Health			
	Office of the Director (emergency)		400,000	+400,000
	Total, Department of Health and Human Services		426,000	+426,000
	General Provisions			
	Sec. 2601 LIHEAP (emergency)		1,000,000	+1,000,000
	Total, Chapter 6		1,536,000	+1,536,000
	Chapter 7			
	American Battle Monuments Commission			
	Foreign currency fluctuation account (emergency)		10,000	+10,000
	Total, Chapter 7		10,000	+10,000
	Total, Title II		4,049,600	+4,049,600
	TITLE III			
	HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS			
	Chapter 1			
	DEPARMENT OF AGRICULTURE			
	Farm Service Agency			
	Emergency Conservation Program (emergency)		49,413	+49,413
	Natural resources Conservation Service			
	Emergency Watershed Protection Program (emergency)		130,464	+130,464
	General Provisions			
	Sec. 3101 RUS/Rural Electric and Telecommunication Loans (emergency)		1,000	+1,000
	(Rescission of emergency appropriations)		−1,000	−1,000
	Total, General Provisions			
	Total, Chapter 1		179,877	+179,877
	Emergency appropriations, fiscal year 2008		(180,877)	(+180,877)
	Rescission of emergency appropriations		(−1,000)	(−1,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Chapter 2			
	DEPARTMENT OF COMMERCE			
	Economic Development Administration			
	Economic Development Assistance Programs (emergency)		75,000	+75,000
	National Oceanic and Atmospheric Administration			
	Operations, research and facilities (emergency)		75,000	+75,000
	Total, Department of Commerce		150,000	+150,000
	DEPARTMENT OF JUSTICE			
	Office of Justice Programs			
	State and Local Law Enforcement Assistance (emergency)		75,000	+75,000
	Total, Chapter 2		225,000	+225,000
	Chapter 3			
	DEPARTMENT OF DEFENSE—CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers			
	Construction, General (emergency)		66,600	+66,600
110–84	Advance appropriation, fiscal year 2009 (emergency)	2,835,000	4,966,745	+2,131,745
	Mississippi river and tributaries (emergency)		17,700	+17,700
	Operations and Maintenance (emergency)		338,800	+338,800
	Flood Control and Coastal Emergencies (emergency)		94,400	+94,400
110–84	Advance appropriation, fiscal year 2009 (emergency)	2,926,000	3,274,000	+348,000
	General expenses (emergency)		1,500	+1,500
	Total, Chapter 3	5,761,000	8,759,745	+2,998,745
	Emergency appropriations, fiscal year 2008		(519,000)	(+519,000)
	Advance appropriation, fiscal year 2009 (emergency)	(5,761,000)	(8,240,745)	(+2,479,745)
	Chapter 6			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
	Wildland fire management (emergency)		125,000	+125,000
	National Park Service			
	Historic Preservation fund (emergency)		15,000	+15,000
	Total, Department of the Interior		140,000	+140,000
	ENVIRONMENTAL PROTECTION AGENCY			
	State and tribal assistance grants (emergency)		5,000	+5,000
	DEPARMENT OF AGRICULTURE			
	Forest Service			
	Wildland fire management (emergency)		325,000	+325,000
	Total, Chapter 6		470,000	+470,000
	Chapter 7			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Centers for Medicare and Medicaid Services			
	Centers for Medicare and Medicaid Services (emergency)		350,000	+350,000
	Total, Chapter 7		350,000	+350,000
	Chapter 8			
	DEPARTMENT OF DEFENSE			
	Military Construction Army National Guard (emergency)		11,503	+11,503
	(Rescission of emergency appropriations)		−7,000	−7,000
	Total, Military Construction		4,503	+4,503
	General Provision			
	Sec. 3801 Family Housing, Navy (emergency)		10,500	+10,500
	Total, Chapter 8		15,003	+15,003
	Emergency appropriations		(22,003)	(+22,003)
	Rescission of emergency appropriations		(−7,000)	(−7,000)
	Chapter 9			
	DEPARTMENT OF TRANSPORTATION			
	Federal-aid Highways			
	Emergency Highway Relief Program (emergency)		451,126	+451,126
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Permanent Supportive Housing (emergency)		73,000	+73,000
	Housing transition assistance (emergency)		3,000	+3,000
	Project-based rental assistance (emergency)		20,000	+20,000
	Communuity Development Block Fund (emergency)		50,000	+50,000
	Louisiana Road Home (rescission of emergency funds)		−200,000	−200,000
	Total, Department of Housing and Urban Development		−54,000	−54,000
	Total, Chapter 9		397,126	+397,126
	Emergency appropriations, fiscal year 2008		(597,126)	(+597,126)
	Rescissions of emergency funding		(−200,000)	(−200,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Total, Title III	5,761,000	10,396,751	+4,635,751
	Emergency appropriations, fiscal year 2008		(2,364,006)	(+2,364,006)
	Advance appropriation, fiscal year 2009 (emergency)	(5,761,000)	(8,240,745)	(+2,479,745)
	Rescission of emergency appropriations		(−208,000)	(−208,000)
	TITLE IV			
	VETERANS EDUCATIONAL ASSISTANCE			
	DEPARTMENT OF VETERANS AFFAIRS			
	Veterans Benefits Administration			
	Readjustment benefits (emergency)		40,000	+40,000
	Advance appropriation, fiscal year 2009 (emergency)		677,000	+677,000
	Total, Title IV		717,000	+717,000
	Emergency appropriations, fiscal year 2008		(40,000)	(+40,000)
	Advance appropriation, fiscal year 2009 (emergency)		(677,000)	(+677,000)
	TITLE V			
	EMERGENCY UNEMPLOYMENT COMPENSATION			
	DEPARTMENT OF LABOR			
	Emergency unemployment compensation (emergency)		6,170,000	+6,170,000
	Advance appropriation, fiscal year 2009 (emergency)		9,440,000	+9,440,000
	Total, Title V		15,610,000	+15,610,000
	Emergency appropriations, fiscal year 2008		(6,170,000)	(+6,170,000)
	Advance appropriation, fiscal year 2009 (emergency)		(9,440,000)	(+9,440,000)
	TITLE VI			
	OTHER HEALTH MATTERS			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Medicaid, Medicare and SCHIP provisions (emergency)		530,000	+530,000
	Advance appropriation, fiscal year 2009 (emergency)		1,225,000	+1,225,000
	Total, Title VI		1,755,000	+1,755,000
	Emergency appropriations, fiscal year 2008		(530,000)	(+530,000)
	Advance appropriation, fiscal year 2009 (emergency)		(1,225,000)	(+1,225,000)
	TITLE XI			
	DEFENSE MATTERS			
	CHAPTER 1			
	DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR			
	FISCAL YEAR 2008			
	DEPARTMENT OF DEFENSE—MILITARY			
	Military Personnel			
110–3, 110–68	Military Personnel, Army (emergency)	11,535,055	12,216,715	+681,660
110–3, 110–68	Military Personnel, Navy (emergency)	696,053	894,185	+198,132
110–3, 110–68	Military Personnel, Marine Corps (emergency)	1,733,971	1,826,688	+92,717
110–3, 110–68	Military Personnel, Air Force (emergency)	1,277,853	1,355,544	+77,691
110–3, 110–68	Reserve Personnel, Army (emergency)	299,200	304,200	+5,000
110–3	Reserve Personnel, Navy (emergency)	70,000	72,800	+2,800
110–3	Reserve Personnel, Marine Corps (emergency)	15,420	16,720	+1,300
110–3	Reserve Personnel, Air Force (emergency)	3,000	5,000	+2,000
110–3, 110–68	National Guard Personnel, Army (emergency)	1,136,747	1,369,747	+233,000
	National Guard Personnel, Air Force (emergency)		4,000	+4,000
	Total, Military Personnel	16,767,299	18,065,599	+1,298,300
	Operation and Maintenance			
110–3 ,110–54, 110–68	Operation & Maintenance, Army (emergency)	18,712,468	17,223,512	−1,488,956
110–3, 110–54, 110–68	Operation & Maintenance, Navy (emergency)	2,498,765	2,977,864	+479,099
	(Transfer out) (emergency)	(−115,400)	(−112,607)	(+2,793)
110–3, 110–54, 110–68	Operation & Maintenance, Marine Corps (emergency)	306,050	159,900	−146,150
110–3, 110–54, 110–68	Operation & Maintenance, Air Force (emergency)	5,924,865	5,972,520	+47,655
110–3, 110–54, 110–68	Operation & Maintenance, Defense-Wide (emergency)	3,152,933	3,657,562	+504,629
110–3, 110–68	Operation & Maintenance, Army Reserve (emergency)	118,958	164,839	+45,881
110–3, 110–68	Operation & Maintenance, Navy Reserve (emergency)	41,750	109,876	+68,126
110–3, 110–68	Operation & Maintenance, Marine Corps Reserve (emergency)	22,040	70,256	+48,216
110–3, 110–68	Operation & Maintenance, Air Force Reserve (emergency)	12,133	165,994	+153,861
110–3, 110–68	Operation & Maintenance, Army National Guard (emergency)	430,008	685,644	+255,636
110–3, 110–68	Operation & Maintenance, Air National Guard (emergency)	51,633	287,369	+235,736
	Subtotal, Operation and Maintenance	31,271,603	31,475,336	+203,733
110–3, 110–68	Iraq Freedom Fund (emergency)	207,500	50,000	−157,500
110–68	Afghanistan Security Forces Fund (emergency)	1,350,000	1,400,000	+50,000
110–3, 110–68	Iraq Security Forces Fund (emergency)	1,500,000	1,500,000	
	Subtotal, Other	3,057,500	2,950,000	−107,500
	Total, Operation and Maintenance	34,329,103	34,425,336	+96,233
	Procurement			
110–3, 110–68	Aircraft Procurement, Army (emergency)	1,181,864	954,111	−227,753
110–3, 110–68	Missile Procurement, Army (emergency)	641,764	561,656	−80,108
110–3, 110–68	Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	5,860,252	5,463,471	−396,781
110–3, 110–68	Procurement of Ammunition, Army (emergency)	359,600	344,900	−14,700
110–3, 110–54, 110–68	Other Procurement, Army (emergency)	21,103,261	16,337,340	−4,765,921
110–3, 110–68	Aircraft Procurement, Navy (emergency)	3,859,958	3,563,254	−296,704
110–3, 110–68	Weapons Procurement, Navy (emergency)	318,281	317,456	−825
110–3, 110–68	Procurement of Ammunition, Navy and Marine Corps (emergency)	304,945	304,945	
110–3, 110–54, 110–68	Other Procurement, Navy (emergency)	1,515,116	1,399,135	−115,981
110–3, 110–54, 110–68	Procurement, Marine Corps (emergency)	2,444,490	2,197,390	−247,100
110–3, 110–68	Aircraft Procurement, Air Force (emergency)	3,894,839	7,103,923	+3,209,084
110–3	Missile Procurement, Air Force (emergency)	1,800	66,943	+65,143

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
110–3, 110–68	Procurement of Ammunition, Air Force (emergency)	104,405	205,455	+101,050
110–3, 110–54, 110–68	Other Procurement, Air Force (emergency)	2,405,034	1,953,167	−451,867
110–3, 110–54, 110–68	Procurement, Defense-Wide (emergency)	266,237	408,209	+141,972
	National Guard and Reserve Equipment (emergency)		825,000	+825,000
110–68	Rapid Acquisition Fund	150,000		−150,000
	Total, Procurement	44,411,846	42,006,355	−2,405,491
	Research, Development, Test and Evaluation			
110–3, 110–54, 110–68	Research, Development, Test & Evaluation, Army (emergency)	163,299	162,958	−341
110–3, 110–54, 110–68	Research, Development, Test & Evaluation, Navy (emergency)	610,567	366,110	−244,457
110–3, 110–68	Research, Development, Test & Evaluation, Air Force (emergency)	1,487,493	399,817	−1,087,676
110–3, 110–68	Research, Development, Test and Evaluation, Defense-Wide (emergency)	684,389	816,598	+132,209
	Total, Research, Development, Test and Evaluation	2,945,748	1,745,483	−1,200,265
	Revolving and Management Funds			
110–3, 110–68	Defense Working Capital Funds (emergency)	957,675	1,837,450	+879,775
110–3	National Defense Sealift Fund (emergency)	5,110	5,110	
	Total, Revolving and Management Funds	962,785	1,842,560	+879,775
	Other Department of Defense Programs			
110–3, 110–68	Defense Health Program (emergency)	561,741	1,413,864	+852,123
110–3, 110–68	Operation and maintenance (emergency)	(561,741)	(957,064)	(+395,323)
	Procurement (emergency)		(91,900)	(+91,900)
	Research Development and Testing (emergency)		(364,900)	(+364,900)
	Psychological health and traumatic brain injury (emergency)		75,000	+75,000
110–3	Drug Interdiction and Counter-Drug Activities, Defense (emergency)	65,017	65,317	+300
110–3	Office of the Inspector General (emergency)	4,394	6,394	+2,000
	Total, Other Department of Defense Programs	631,152	1,560,575	+929,423
	General Provisions			
	Sec. 11103 Additional transfer authority (emergency)		(2,500,000)	(+2,500,000)
110–3	Sec. 11105 Defense Cooperation Account (transfer authority) (emergency)	6,500	6,500	
	Total, General Provisions	6,500	6,500	
	Total, Chapter 1	100,054,433	99,652,408	−402,025
	(Emergency appropriations)	(100,054,433)	(99,652,408)	(−402,025)
	(Rescission of emergency appropriations)			
	(Additional transfer authority, emergency)		(2,500,000)	(+2,500,000)
	Chapter 2			
	DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009			
	DEPARTMENT OF DEFENSE—MILITARY			
	Military Personnel			
110–108	Military Personnel, Army (emergency)	3,500,000	839,000	−2,661,000
110–108	Military Personnel, Navy (emergency)	95,000	75,000	−20,000
110–108	Military Personnel, Marine Corps (emergency)	85,000	55,000	−30,000
110–108	Military Personnel, Air Force (emergency)	105,000	75,000	−30,000
110–108	National Guard Personnel, Army (emergency)	20,000	150,000	+130,000
	Total, Military Personnel	3,805,000	1,194,000	−2,611,000
	Operation and Maintenance			
110–108	Operation & Maintenance, Army (emergency)	35,560,055	37,300,000	+1,739,945
110–108	Operation & Maintenance, Navy (emergency)	238,437	3,500,000	+3,261,563
110–108	(Transfer out) (emergency)	(−200,000)	(−112,000)	(+88,000)
110–108	Operation & Maintenance, Marine Corps (emergency)	2,200,000	2,900,000	+700,000
110–108	Operation & Maintenance, Air Force (emergency)	3,644,078	5,000,000	+1,355,922
110–108	Operation & Maintenance, Defense-Wide (emergency)	3,193,494	2,648,569	−544,925
	Operation & Maintenance, Army Reserve (emergency)		79,291	+79,291
	Operation & Maintenance, Navy Reserve (emergency)		42,490	+42,490
110–108	Operation & Maintenance, Marine Corps Reserve (emergency)	34,000	47,076	+13,076
	Operation & Maintenance, Air Force Reserve (emergency)		12,376	+12,376
	Operation & Maintenance, Army National Guard (emergency)		333,540	+333,540
	Operation & Maintenance, Air National Guard (emergency)		52,667	+52,667
	Subtotal, Operation and Maintenance	44,870,064	51,916,009	+7,045,945
110–108	Afghanistan Security Forces Fund (emergency)	3,666,259	2,000,000	−1,666,259
110–108	Iraq Security Forces Fund (emergency)	2,000,000	1,000,000	−1,000,000
	Total, Operation and Maintenance	50,536,323	54,916,009	+4,379,686
	Procurement			
	Aircraft Procurement, Army (emergency)		84,000	+84,000
	Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)		822,674	+822,674
	Procurement of Ammunition, Army (emergency)		46,500	+46,500
110–108	Other Procurement, Army (emergency)	80,536	1,009,050	+928,514
	Other Procurement, Navy (emergency)		27,948	+27,948
	Procurement, Marine Corps (emergency)		565,425	+565,425
110–108	Aircraft Procurement, Air Force (emergency)	1,209,300	201,842	−1,007,458
110–108	Other Procurement, Air Force (emergency)	1,467,475	1,500,644	+33,169
110–108	Procurement, Defense-Wide (emergency)	72,733	177,237	+104,504
110–108	Rapid Acquisition fund (emergency)	100,000		−100,000
	Total, Procurement	2,930,044	4,435,320	+1,505,276
	Research, Development, Test and Evaluation			
110–108	Research, Development, Test & Evaluation, Navy (emergency)	113,228	113,228	
110–108	Research, Development, Test & Evaluation, Air Force (emergency)	71,741	72,041	+300
110–108	Research, Development, Test and Evaluation, Defense-Wide (emergency)	194,156	202,559	+8,403
	Total, Research, Development, Test and Evaluation	379,125	387,828	+8,703
	Revolving and Management Funds			
110–108	Defense Working Capital Funds (emergency)	2,200,000		−2,200,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Other Department of Defense Programs			
110–108	Defense Health Program (emergency)	400,000	1,100,000	+700,000
110–108	Drug Interdiction and Counter-Drug Activities, Defense (emergency)	130,000	188,000	+58,000
110–108	Joint Improvised Explosive Device Defeat fund (emergency)	2,970,444	2,000,000	−970,444
	Total, Other Department of Defenses Programs	3,500,444	3,288,000	−212,444
	General Provisions			
110–108	Sec. 11203 Transfer authority	(4,000,000)	(4,000,000)	
110–108	Sec. 11208 Mine Resistant Ambush Protected Vehicle fund (emergency)	2,610,000	1,700,000	−910,000
	Total, General Provisions	2,610,000	1,700,000	−910,000
	Total, Chapter 2	65,960,936	65,921,157	−39,779
	Chapter 3			
	General Provision			
	Sec. 11308 rescission of emergency appropriations		−146,531	−146,531
	Total, Title XI	166,015,369	165,427,034	−588,335
	Emergency appropriations, fiscal year 2008	(100,054,433)	(99,652,408)	(−402,025)
	Advance appropriation, fiscal year 2009 (emergency)	(65,960,936)	(65,921,157)	(−39,779)
	Rescission of emergency appropriations		(−146,531)	(−146,531)
	(Additional transfer authority, emergency)		(2,500,000)	(+2,500,000)
	Grand total	183,824,374	212,186,649	+28,362,275
	Appropriations, fiscal year 2008		(555,000)	(+555,000)
	Emergency appropriations, fiscal year 2008	(108,063,276)	(123,230,678)	(+15,167,402)
	Advance appropriation, fiscal year 2009 (emergency)	(75,761,098)	(89,400,502)	(+13,639,404)
	Rescissions		(−555,000)	(−555,000)
	Rescission of emergency appropriations		(−444,531)	(−444,531)
	(Additional transfer authority, emergency)		(2,500,000)	(+2,500,000)
	(Transfer out)			
	(Transfer out) (emergency)	(−115,400)	(−112,607)	(+2,793)

BROADCAST MEDIA OWNERSHIP

Mr. KYL. Madam President, the current newspaper-broadcast cross-ownership rule prohibits the coownership of a newspaper and a broadcast station in the same market. This rule is the only local ownership rule that has not been modified by the Federal Communications Commission, FCC, since the ownership rules went into place over 30 years ago. Despite massive innovation in the media marketplace, the advocates of S.J. Res. 28, the Dorgan resolution, want to preserve an archaic rule that is no longer relevant or useful in today's media world.

On December 18, 2007, the FCC issued an order to provide a modest relaxation of the newspaper-broadcast cross-ownership prohibition in the top 20 markets. To ensure that one company doesn't control the local media, the prohibition is only relaxed if there are eight independent television stations in the market. The rule change only applies to the acquisition of a television station not ranking in the top four in any market, which essentially excludes network affiliated stations. The FCC's order further mandates that all proposed newspaper-broadcast combinations be reviewed by the Commission on a case-by-case basis with the opportunity for public comment. Simply put, the new FCC rule provides a modest relief in a limited number of markets and ensures that any changes are carefully scrutinized.

After 18 months of review and more than 150,000 filed comments, 10 empirical studies, and 6 field hearings, the FCC fully vetted its decision to relax the newspaper-broadcast cross-ownership rule. It determined that the ''harm'' envisioned by cross-ownership is directly contradicted by simple facts. Currently, there are a number of newspaper-broadcast station ownership combinations that are exempt from the ban through grandfathers and waivers. These combinations have served the needs of the local communities well.

The FCC also found that the ban on newspaper-broadcast combinations was established at a time when communications in any town consisted of a newspaper and, at best, a handful of local television and radio stations. The rule is antiquated in today's media world where there are multiple sources of news and viewpoints, such as the Internet, satellite radio, blogs, cable, and other forms of communication.

Finally, upholding the ban would also largely ignore the dire financial condition of the newspaper industry. Due to the multiple news and information outlets available to consumers, local newspapers are finding it harder to make a profit. What is at stake here is the long-term health of newspapers and their ability to provide the kind of journalism that has served our democratic society well for more than 200 years. Permitting cross-ownership with broadcast stations allows greater financial efficiency in the market, allowing some newspapers to survive.

For all of these reasons, I will not support the Dorgan resolution. The FCC's narrow rule will not lead to mass consolidation, and I would encourage my colleagues to consider the ramifications of reversing the FCC's order.

NATIONAL POLICE WEEK

Mrs. DOLE. Madam President, I rise to honor those officers from my home State of North Carolina who have lost their lives in the line of duty.

In 1962, President John F. Kennedy signed a proclamation designating May 15 as Peace Officers Memorial Day and the week in which that date falls as National Police Week. During this week, tens of thousands of law enforcement officers come to Washington for events that honor their fallen comrades.

Police officers are our country's first line of defense. They dedicate their lives to making our Nation safer. While our servicemembers are fighting enemies abroad, our law enforcement officers are protecting our cities and towns here at home.

Sometimes this duty calls for the ultimate sacrifice, and, over the past year, North Carolina lost nine heroic officers: Charles Johnson Adcock Callemyn of Durham; Jason Christian Campbell of Greenville; Sean Robert Clark of Charlotte; James Heath Hardin of Hope Mills; Howard Joseph Plouff II of Winston-Salem; Jeffry Ryan Shelton of Charlotte; Alan Christopher Silver of Rocky Mount; Shawn Joshua Dean Williams of Old Fort; and Bobby Lee Cox of Burke County.

North Carolina, and indeed the whole country, is forever indebted to these and all of the Nation's police officers who have lost their lives in the line of duty. May God bless the families of these brave men and women and comfort them with the fact that their loved one's service has made America a better, safer place.