

In the Senate of the United States,

May 22, 2008.

Resolved, That the Senate agree to the amendments of the House of Representatives to the amendment of the Senate to the bill (H.R. 2642) entitled “An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.”, with the following

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

- 1 **(1)**In lieu of the language proposed to be inserted, insert
- 2 the following:

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TITLE IX

DEFENSE MATTERS

CHAPTER 1

*DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR
FISCAL YEAR 2008*

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

*For an additional amount for “Military Personnel,
Army”, \$12,216,715,000.*

MILITARY PERSONNEL, NAVY

*For an additional amount for “Military Personnel,
Navy”, \$894,185,000.*

MILITARY PERSONNEL, MARINE CORPS

*For an additional amount for “Military Personnel,
Marine Corps”, \$1,826,688,000.*

MILITARY PERSONNEL, AIR FORCE

*For an additional amount for “Military Personnel,
Air Force”, \$1,355,544,000.*

RESERVE PERSONNEL, ARMY

*For an additional amount for “Reserve Personnel,
Army”, \$304,200,000.*

RESERVE PERSONNEL, NAVY

*For an additional amount for “Reserve Personnel,
Navy”, \$72,800,000.*

1 *RESERVE PERSONNEL, MARINE CORPS*

2 *For an additional amount for “Reserve Personnel, Ma-*
3 *rine Corps”, \$16,720,000.*

4 *RESERVE PERSONNEL, AIR FORCE*

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

7 *NATIONAL GUARD PERSONNEL, ARMY*

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

10 *NATIONAL GUARD PERSONNEL, AIR FORCE*

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

13 *OPERATION AND MAINTENANCE*

14 *OPERATION AND MAINTENANCE, ARMY*

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

17 *OPERATION AND MAINTENANCE, NAVY*

18 *(INCLUDING TRANSFER OF FUNDS)*

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

23 *OPERATION AND MAINTENANCE, MARINE CORPS*

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

1 *OPERATION AND MAINTENANCE, AIR FORCE*

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

4 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

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

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

11 *(2) not to exceed \$800,000,000, to remain avail-*
12 *able until expended, may be used for payments to re-*
13 *imburse key cooperating nations, for logistical, mili-*
14 *tary, and other support provided to United States*
15 *military operations, notwithstanding any other provi-*
16 *sion of law: Provided, That these funds may be used*
17 *for the purpose of providing specialized training and*
18 *procuring supplies and specialized equipment and*
19 *providing such supplies and loaning such equipment*
20 *on a non-reimbursable basis to coalition forces sup-*
21 *porting United States military operations in Iraq*
22 *and Afghanistan: Provided further, That such pay-*
23 *ments may be made in such amounts as the Secretary*
24 *of Defense, with the concurrence of the Secretary of*
25 *State, and in consultation with the Director of the Of-*

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

15 *OPERATION AND MAINTENANCE, ARMY RESERVE*

16 *For an additional amount for “Operation and Mainte-*
17 *nance, Army Reserve”, \$164,839,000.*

18 *OPERATION AND MAINTENANCE, NAVY RESERVE*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Navy Reserve”, \$109,876,000.*

21 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

22 *For an additional amount for “Operation and Mainte-*
23 *nance, Marine Corps Reserve”, \$70,256,000.*

1 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

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

4 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Army National Guard”, \$685,644,000.*

7 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

8 *For an additional amount for “Operation and Mainte-*
9 *nance, Air National Guard”, \$287,369,000.*

10 *IRAQ FREEDOM FUND*

11 *(INCLUDING TRANSFER OF FUNDS)*

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

1 *AFGHANISTAN SECURITY FORCES FUND*

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

5 *IRAQ SECURITY FORCES FUND*

6 *(INCLUDING TRANSFER OF FUNDS)*

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

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

1 *committees summarizing the details of the transfer of funds*
2 *from this appropriation.*

3 *PROCUREMENT*

4 *AIRCRAFT PROCUREMENT, ARMY*

5 *For an additional amount for “Aircraft Procurement,*
6 *Army”, \$954,111,000, to remain available for obligation*
7 *until September 30, 2010.*

8 *MISSILE PROCUREMENT, ARMY*

9 *For an additional amount for “Missile Procurement,*
10 *Army”, \$561,656,000, to remain available for obligation*
11 *until September 30, 2010.*

12 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

13 *VEHICLES, ARMY*

14 *For an additional amount for “Procurement of Weap-*
15 *ons and Tracked Combat Vehicles, Army”, \$5,463,471,000,*
16 *to remain available for obligation until September 30,*
17 *2010.*

18 *PROCUREMENT OF AMMUNITION, ARMY*

19 *For an additional amount for “Procurement of Am-*
20 *muniton, Army”, \$344,900,000, to remain available for ob-*
21 *ligation until September 30, 2010.*

22 *OTHER PROCUREMENT, ARMY*

23 *For an additional amount for “Other Procurement,*
24 *Army”, \$16,337,340,000, to remain available for obligation*
25 *until September 30, 2010.*

1 *AIRCRAFT PROCUREMENT, NAVY*

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

5 *WEAPONS PROCUREMENT, NAVY*

6 *For an additional amount for “Weapons Procurement,*
7 *Navy”, \$317,456,000, to remain available for obligation*
8 *until September 30, 2010.*

9 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*
10 *CORPS*

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

14 *OTHER PROCUREMENT, NAVY*

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

18 *PROCUREMENT, MARINE CORPS*

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

22 *AIRCRAFT PROCUREMENT, AIR FORCE*

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

1 *MISSILE PROCUREMENT, AIR FORCE*

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

5 *PROCUREMENT OF AMMUNITION, AIR FORCE*

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

9 *OTHER PROCUREMENT, AIR FORCE*

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

13 *PROCUREMENT, DEFENSE-WIDE*

14 *For an additional amount for “Procurement, Defense-*
15 *Wide”, \$408,209,000, to remain available for obligation*
16 *until September 30, 2010.*

17 *NATIONAL GUARD AND RESERVE EQUIPMENT*

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

1 *REVOLVING AND MANAGEMENT FUNDS*2 *DEFENSE WORKING CAPITAL FUNDS*

3 *For an additional amount for “Defense Working Cap-*
4 *ital Funds”, \$1,837,450,000, to remain available for obliga-*
5 *tion until expended.*

6 *NATIONAL DEFENSE SEALIFT FUND*

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

10 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*11 *DEFENSE HEALTH PROGRAM*

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

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

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

7 *OFFICE OF THE INSPECTOR GENERAL*

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

12 *GENERAL PROVISIONS—THIS CHAPTER*

13 *SEC. 9101. Appropriations provided in this chapter*
14 *are available for obligation until September 30, 2008, un-*
15 *less otherwise provided in this chapter.*

16 *SEC. 9102. Notwithstanding any other provision of*
17 *law, funds made available in this chapter are in addition*
18 *to amounts appropriated or otherwise made available for*
19 *the Department of Defense for fiscal year 2008.*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *SEC. 9103. Upon the determination of the Secretary*
22 *of Defense that such action is necessary in the national in-*
23 *terest, the Secretary may transfer between appropriations*
24 *up to \$2,500,000,000 of the funds made available to the De-*
25 *partment of Defense in this chapter: Provided, That the Sec-*
26 *retary shall notify the Congress promptly of each transfer*

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

7 *SEC. 9104. (a) From funds made available for oper-*
8 *ation and maintenance in this chapter to the Department*
9 *of Defense, not to exceed \$1,226,841,000 may be used, not-*
10 *withstanding any other provision of law, to fund the Com-*
11 *mander’s Emergency Response Program, for the purpose of*
12 *enabling military commanders in Iraq, Afghanistan, and*
13 *the Philippines to respond to urgent humanitarian relief*
14 *and reconstruction requirements within their areas of re-*
15 *sponsibility by carrying out programs that will imme-*
16 *diately assist the Iraqi, Afghan, and Filipino people.*

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 9105. *During fiscal year 2008, the Secretary of*
3 *Defense may transfer not to exceed \$6,500,000 of the*
4 *amounts in or credited to the Defense Cooperation Account,*
5 *pursuant to 10 U.S.C. 2608, to such appropriations or*
6 *funds of the Department of Defense as the Secretary shall*
7 *determine for use consistent with the purposes for which*
8 *such funds were contributed and accepted: Provided, That*
9 *such amounts shall be available for the same time period*
10 *as the appropriation to which transferred: Provided further,*
11 *That the Secretary shall report to the Congress all transfers*
12 *made pursuant to this authority.*

13 SEC. 9106. *Of the amount appropriated by this chap-*
14 *ter under the heading “Drug Interdiction and Counter-*
15 *Drug Activities, Defense”, not to exceed \$20,000,000 may*
16 *be used for the provision of support for counter-drug activi-*
17 *ties of the Governments of Afghanistan, Kazakhstan,*
18 *Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as*
19 *specified in section 1033 of the National Defense Authoriza-*
20 *tion Act for Fiscal Year 1998 (Public Law 105–85, as*
21 *amended by Public Laws 106–398, 108–136, 109–364, and*
22 *110–181): Provided, That such support shall be in addition*
23 *to support provided under any other provision of the law.*

24 SEC. 9107. *Amounts provided in this chapter for oper-*
25 *ations in Iraq and Afghanistan may be used by the Depart-*

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

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 9108. Section 8122(c) of Public Law 110–116 is*
20 *amended by adding at the end the following:*

21 *“(4) Upon a determination that all or part of*
22 *the funds transferred under paragraph (1) are not*
23 *necessary to accomplish the purposes specified in sub-*
24 *section (b), such amounts may be transferred back to*
25 *the ‘Mine Resistant Ambush Protected Vehicle*
26 *Fund’.”.*

1 *MILITARY PERSONNEL, MARINE CORPS*

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

4 *MILITARY PERSONNEL, AIR FORCE*

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

7 *NATIONAL GUARD PERSONNEL, ARMY*

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

10 *OPERATION AND MAINTENANCE*11 *OPERATION AND MAINTENANCE, ARMY*

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

14 *OPERATION AND MAINTENANCE, NAVY*15 *(INCLUDING TRANSFER OF FUNDS)*

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

20 *OPERATION AND MAINTENANCE, MARINE CORPS*

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

23 *OPERATION AND MAINTENANCE, AIR FORCE*

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

1 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

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

1 *sional defense committees on the use of funds provided in*
2 *this paragraph.*

3 *OPERATION AND MAINTENANCE, ARMY RESERVE*

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

6 *OPERATION AND MAINTENANCE, NAVY RESERVE*

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

9 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

10 *For an additional amount for “Operation and Mainte-*
11 *nance, Marine Corps Reserve”, \$47,076,000.*

12 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

13 *For an additional amount for “Operation and Mainte-*
14 *nance, Air Force Reserve”, \$12,376,000.*

15 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

16 *For an additional amount for “Operation and Mainte-*
17 *nance, Army National Guard”, \$333,540,000.*

18 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Air National Guard”, \$52,667,000.*

21 *AFGHANISTAN SECURITY FORCES FUND*

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

1 *IRAQ SECURITY FORCES FUND*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For the “Iraq Security Forces Fund”, \$1,000,000,000,*
4 *to remain available until September 30, 2009: Provided,*
5 *That such funds shall be available to the Secretary of De-*
6 *fense, notwithstanding any other provision of law, for the*
7 *purpose of allowing the Commander, Multi-National Secu-*
8 *rity Transition Command—Iraq, or the Secretary’s des-*
9 *ignee, to provide assistance, with the concurrence of the Sec-*
10 *retary of State, to the security forces of Iraq, including the*
11 *provision of equipment, supplies, services, training, facility*
12 *and infrastructure repair, renovation, and construction,*
13 *and funding: Provided further, That none of the assistance*
14 *provided under this heading in the form of funds may be*
15 *utilized for the provision of salaries, wages, or bonuses to*
16 *personnel of the Iraqi Security Forces: Provided further,*
17 *That the authority to provide assistance under this heading*
18 *is in addition to any other authority to provide assistance*
19 *to foreign nations: Provided further, That the Secretary of*
20 *Defense may transfer such funds to appropriations for mili-*
21 *tary personnel; operation and maintenance; Overseas Hu-*
22 *manitarian, Disaster, and Civic Aid; procurement; re-*
23 *search, development, test and evaluation; and defense work-*
24 *ing capital funds to accomplish the purposes provided here-*
25 *in: Provided further, That this transfer authority is in ad-*

1 dition to any other transfer authority available to the De-
2 partment of Defense: Provided further, That upon a deter-
3 mination that all or part of the funds so transferred from
4 this appropriation are not necessary for the purposes pro-
5 vided herein, such amounts may be transferred back to this
6 appropriation: Provided further, That contributions of
7 funds for the purposes provided herein from any person,
8 foreign government, or international organization may be
9 credited to this Fund, and used for such purposes: Provided
10 further, That the Secretary shall notify the congressional
11 defense committees in writing upon the receipt and upon
12 the transfer of any contribution delineating the sources and
13 amounts of the funds received and the specific use of such
14 contributions: Provided further, That the Secretary of De-
15 fense shall, not fewer than 15 days prior to making trans-
16 fers from this appropriation account, notify the congres-
17 sional defense committees in writing of the details of any
18 such transfer: Provided further, That the Secretary shall
19 submit a report no later than 30 days after the end of each
20 fiscal quarter to the congressional defense committees sum-
21 marizing the details of the transfer of funds from this ap-
22 propriation.

1 *PROCUREMENT, MARINE CORPS*

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

5 *AIRCRAFT PROCUREMENT, AIR FORCE*

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

9 *OTHER PROCUREMENT, AIR FORCE*

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

13 *PROCUREMENT, DEFENSE-WIDE*

14 *For an additional amount for “Procurement, Defense-*
15 *Wide”, \$177,237,000, to remain available for obligation*
16 *until September 30, 2011.*

17 *RESEARCH, DEVELOPMENT, TEST AND*18 *EVALUATION*19 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

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

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

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

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

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

11 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

12 *DEFENSE HEALTH PROGRAM*

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

15 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*
16 *DEFENSE*

17 *(INCLUDING TRANSFER OF FUNDS)*

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

20 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For an additional amount for “Joint Improvised Ex-*
23 *plosive Device Defeat Fund”, \$2,000,000,000, to remain*
24 *available until September 30, 2011: Provided, That such*
25 *funds shall be available to the Secretary of Defense, notwith-*

1 *standing any other provision of law, for the purpose of al-*
2 *lowing the Director of the Joint Improvised Explosive De-*
3 *vice Defeat Organization to investigate, develop and provide*
4 *equipment, supplies, services, training, facilities, personnel*
5 *and funds to assist United States forces in the defeat of*
6 *improvised explosive devices: Provided further, That within*
7 *60 days of the enactment of this Act, a plan for the intended*
8 *management and use of the amounts provided under this*
9 *heading shall be submitted to the congressional defense com-*
10 *mittees: Provided further, That the Secretary of Defense*
11 *shall submit a report not later than 60 days after the end*
12 *of each fiscal quarter to the congressional defense commit-*
13 *tees providing assessments of the evolving threats, indi-*
14 *vidual service requirements to counter the threats, the cur-*
15 *rent strategy for predeployment training of members of the*
16 *Armed Forces on improvised explosive devices, and details*
17 *on the execution of the Fund: Provided further, That the*
18 *Secretary of Defense may transfer funds provided herein to*
19 *appropriations for operation and maintenance; procure-*
20 *ment; research, development, test and evaluation; and de-*
21 *fense working capital funds to accomplish the purpose pro-*
22 *vided herein: Provided further, That this transfer authority*
23 *is in addition to any other transfer authority available to*
24 *the Department of Defense: Provided further, That the Sec-*
25 *retary of Defense shall, not fewer than 15 days prior to*

1 *making transfers from this appropriation, notify the con-*
2 *gressional defense committees in writing of the details of*
3 *any such transfer.*

4 **GENERAL PROVISIONS—THIS CHAPTER**

5 *SEC. 9201. Appropriations provided in this chapter*
6 *are not available for obligation until October 1, 2008.*

7 *SEC. 9202. Appropriations provided in this chapter*
8 *are available for obligation until September 30, 2009, un-*
9 *less otherwise provided in this chapter.*

10 **(INCLUDING TRANSFER OF FUNDS)**

11 *SEC. 9203. Upon the determination of the Secretary*
12 *of Defense that such action is necessary in the national in-*
13 *terest, the Secretary may transfer between appropriations*
14 *up to \$4,000,000,000 of the funds made available to the De-*
15 *partment of Defense in this chapter: Provided, That the Sec-*
16 *retary shall notify the Congress promptly of each transfer*
17 *made pursuant to the authority in this section: Provided*
18 *further, That the authority provided in this section is in*
19 *addition to any other transfer authority available to the*
20 *Department of Defense and is subject to the same terms and*
21 *conditions as the authority provided in section 8005 of Pub-*
22 *lic Law 110–116, except for the fourth proviso.*

23 *SEC. 9204. (a) Not later than December 5, 2008 and*
24 *every 90 days thereafter through the end of fiscal year 2009,*
25 *the Secretary of Defense shall set forth in a report to Con-*
26 *gress a comprehensive set of performance indicators and*

1 *measures for progress toward military and political sta-*
2 *bility in Iraq.*

3 **(b)** *The report shall include performance standards*
4 *and goals for security, economic, and security force training*
5 *objectives in Iraq together with a notional timetable for*
6 *achieving these goals.*

7 **(c)** *In specific, the report requires, at a minimum, the*
8 *following:*

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

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

14 **(B)** *The primary indicators of a stable secu-*
15 *rity environment in Iraq, such as number of en-*
16 *gagements per day, numbers of trained Iraqi*
17 *forces, trends relating to numbers and types of*
18 *ethnic and religious-based hostile encounters, and*
19 *progress made in the transition of responsibility*
20 *for the security of Iraqi provinces to the Iraqi*
21 *Security Forces under the Provincial Iraqi Con-*
22 *trol (PIC) process.*

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

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

6 (E) *Key indicators of economic activity that*
7 *should be considered the most important for de-*
8 *termining the prospects of stability in Iraq,*
9 *including—*

10 (i) *unemployment levels;*

11 (ii) *electricity, water, and oil produc-*
12 *tion rates; and*

13 (iii) *hunger and poverty levels.*

14 (F) *The most recent annual budget for the*
15 *Government of Iraq, including a description of*
16 *amounts budgeted for support of Iraqi security*
17 *and police forces and an assessment of how*
18 *planned funding will impact the training, equip-*
19 *ping and overall readiness of those forces.*

20 (G) *The criteria the Administration will*
21 *use to determine when it is safe to begin with-*
22 *drawing United States forces from Iraq.*

23 (2) *With respect to the training and performance*
24 *of security forces in Iraq, the following:*

1 (A) *The training provided Iraqi military*
2 *and other Ministry of Defense forces and the*
3 *equipment used by such forces.*

4 (B) *Key criteria for assessing the capabili-*
5 *ties and readiness of the Iraqi military and*
6 *other Ministry of Defense forces, goals for achiev-*
7 *ing certain capability and readiness levels (as*
8 *well as for recruiting, training, and equipping*
9 *these forces), and the milestones and notional*
10 *timetable for achieving these goals.*

11 (C) *The operational readiness status of the*
12 *Iraqi military forces, including the type, num-*
13 *ber, size, and organizational structure of Iraq*
14 *battalions that are—*

15 (i) *capable of conducting*
16 *counterinsurgency operations independently*
17 *without any support from Coalition Forces;*

18 (ii) *capable of conducting*
19 *counterinsurgency operations with the sup-*
20 *port of United States or coalition forces; or*

21 (iii) *not ready to conduct*
22 *counterinsurgency operations.*

23 (D) *The amount and type of support pro-*
24 *vided by Coalition Forces to the Iraqi Security*
25 *Forces at each level of operational readiness.*

1 (E) *The number of Iraqi battalions in the*
2 *Iraqi Army currently conducting operations and*
3 *the type of operations being conducted.*

4 (F) *The rates of absenteeism in the Iraqi*
5 *military forces and the extent to which insur-*
6 *gents have infiltrated such forces.*

7 (G) *The training provided Iraqi police and*
8 *other Ministry of Interior forces and the equip-*
9 *ment used by such forces.*

10 (H) *The level and effectiveness of the Iraqi*
11 *Security Forces under the Ministry of Defense in*
12 *provinces where the United States has formally*
13 *transferred responsibility for the security of the*
14 *province to the Iraqi Security Forces under the*
15 *Provincial Iraqi Control (PIC) process.*

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

23 (i) *the number of police recruits that*
24 *have received classroom training and the*
25 *duration of such instruction;*

1 (ii) the number of veteran police offi-
2 cers who have received classroom instruction
3 and the duration of such instruction;

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

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

13 (v) attrition rates and measures of ab-
14 senteeism and infiltration by insurgents;
15 and

16 (vi) the level and effectiveness of the
17 Iraqi Police and other Ministry of Interior
18 Forces in provinces where the United States
19 has formally transferred responsibility for
20 the security of the province to the Iraqi Se-
21 curity Forces under the Provincial Iraqi
22 Control (PIC) process.

23 (J) The estimated total number of Iraqi bat-
24 talions needed for the Iraqi security forces to
25 perform duties now being undertaken by coal-

1 *tion forces, including defending the borders of*
2 *Iraq and providing adequate levels of law and*
3 *order throughout Iraq.*

4 *(K) The effectiveness of the Iraqi military*
5 *and police officer cadres and the chain of com-*
6 *mand.*

7 *(L) The number of United States and coal-*
8 *ition advisors needed to support the Iraqi secu-*
9 *rity forces and associated ministries.*

10 *(M) An assessment, in a classified annex if*
11 *necessary, of United States military require-*
12 *ments, including planned force rotations,*
13 *through the end of calendar year 2009.*

14 *SEC. 9205. (a) REPORT BY SECRETARY OF DE-*
15 *FENSE.—Not later than 30 days after the date of the enact-*
16 *ment of this Act, the Secretary of Defense shall submit to*
17 *the congressional defense committees a report that contains*
18 *individual transition readiness assessments by unit of Iraq*
19 *and Afghan security forces. The Secretary of Defense shall*
20 *submit to the congressional defense committees updates of*
21 *the report required by this subsection every 90 days after*
22 *the date of the submission of the report until October 1,*
23 *2009. The report and updates of the report required by this*
24 *subsection shall be submitted in classified form.*

25 *(b) REPORT BY OMB.—*

1 (1) *The Director of the Office of Management*
2 *and Budget, in consultation with the Secretary of De-*
3 *fense; the Commander, Multi-National Security Tran-*
4 *sition Command—Iraq; and the Commander, Com-*
5 *bined Security Transition Command—Afghanistan,*
6 *shall submit to the congressional defense committees*
7 *not later than 120 days after the date of the enact-*
8 *ment of this Act and every 90 days thereafter a report*
9 *on the proposed use of all funds under each of the*
10 *headings “Iraq Security Forces Fund” and “Afghani-*
11 *stan Security Forces Fund” on a project-by-project*
12 *basis, for which the obligation of funds is anticipated*
13 *during the 3-month period from such date, including*
14 *estimates by the commanders referred to in this para-*
15 *graph of the costs required to complete each such*
16 *project.*

17 (2) *The report required by this subsection shall*
18 *include the following:*

19 (A) *The use of all funds on a project-by-*
20 *project basis for which funds appropriated under*
21 *the headings referred to in paragraph (1) were*
22 *obligated prior to the submission of the report,*
23 *including estimates by the commanders referred*
24 *to in paragraph (1) of the costs to complete each*
25 *project.*

1 (B) *The use of all funds on a project-by-*
2 *project basis for which funds were appropriated*
3 *under the headings referred to in paragraph (1)*
4 *in prior appropriations Acts, or for which funds*
5 *were made available by transfer, reprogram-*
6 *ming, or allocation from other headings in prior*
7 *appropriations Acts, including estimates by the*
8 *commanders referred to in paragraph (1) of the*
9 *costs to complete each project.*

10 (C) *An estimated total cost to train and*
11 *equip the Iraq and Afghan security forces,*
12 *disaggregated by major program and sub-ele-*
13 *ments by force, arrayed by fiscal year.*

14 (c) *NOTIFICATION.—The Secretary of Defense shall no-*
15 *tify the congressional defense committees of any proposed*
16 *new projects or transfers of funds between sub-activity*
17 *groups in excess of \$15,000,000 using funds appropriated*
18 *by this Act under the headings “Iraq Security Forces*
19 *Fund” and “Afghanistan Security Forces Fund”.*

20 SEC. 9206. *Funds available to the Department of De-*
21 *fense for operation and maintenance provided in this chap-*
22 *ter may be used, notwithstanding any other provision of*
23 *law, to provide supplies, services, transportation, including*
24 *airlift and seairlift, and other logistical support to coalition*
25 *forces supporting military and stability operations in Iraq*

1 (c)(1) *The Secretary of Defense shall transfer funds*
2 *provided by subsection (a) to appropriations for operation*
3 *and maintenance; procurement; and research, development,*
4 *test and evaluation to accomplish the purposes specified in*
5 *subsection (b). Such transferred funds shall be merged with*
6 *and be available for the same purposes and for the same*
7 *time period as the appropriation to which they are trans-*
8 *ferred.*

9 (2) *The transfer authority provided by this subsection*
10 *shall be in addition to any other transfer authority avail-*
11 *able to the Department of Defense.*

12 (3) *The Secretary of Defense shall, not less than 15*
13 *days prior to making any transfer under this subsection,*
14 *notify the congressional defense committees in writing of*
15 *the details of the transfer.*

16 *SEC. 9209. For the purposes of this Act, the term “con-*
17 *gressional defense committees” means the Armed Services*
18 *Committee of the House of Representatives, the Armed Serv-*
19 *ices Committee of the Senate, the Subcommittee on Defense*
20 *of the Committee on Appropriations of the Senate, and the*
21 *Subcommittee on Defense of the Committee on Appropria-*
22 *tions of the House of Representatives.*

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CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 9301. Each amount in this title is 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.

SEC. 9302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 9303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal

1 *Regulations, and part 95 of title 22, Code of Federal*
2 *Regulations; and*

3 *(3) Sections 1002 and 1003 of the Department of*
4 *Defense, Emergency Supplemental Appropriations to*
5 *Address Hurricanes in the Gulf of Mexico, and Pan-*
6 *demic Influenza Act, 2006 (Public Law 109–148).*

7 *SEC. 9304. (a) REPORT REQUIRED.—Not later than*
8 *120 days after the date of the enactment of this Act, the*
9 *Secretary of Defense, the Secretary of State, and the Sec-*
10 *retary of Homeland Security, in coordination with the*
11 *Chairman of the Joint Chiefs of Staff and the Director of*
12 *National Intelligence, shall jointly submit to Congress a re-*
13 *port setting forth the global strategy of the United States*
14 *to combat and defeat al Qaeda and its affiliates.*

15 *(b) ELEMENTS OF STRATEGY.—The strategy set forth*
16 *in the report required under subsection (a) shall include*
17 *the following elements:*

18 *(1) An analysis of the global threat posed by al*
19 *Qaeda and its affiliates, including an assessment of*
20 *the relative threat posed in particular regions or*
21 *countries.*

22 *(2) Recommendations regarding the distribution*
23 *and deployment of United States military, intel-*
24 *ligence, diplomatic, and other assets to meet the rel-*

1 *ative regional and country-specific threats described*
2 *in paragraph (1).*

3 *(3) Recommendations to ensure that the global*
4 *deployment of United States military personnel and*
5 *equipment best meet the threat identified and de-*
6 *scribed in paragraph (1) and:*

7 *(A) does not undermine the military readi-*
8 *ness or homeland security of the United States;*

9 *(B) ensures adequate time between military*
10 *deployments for rest and training; and*

11 *(C) does not require further extensions of*
12 *military deployments to the extent practicable.*

13 *(c) CLASSIFIED ANNEX.—The report required by sub-*
14 *section (a) shall be submitted in unclassified form, but shall*
15 *include a classified annex.*

16 *SEC. 9305. None of the funds provided in this title may*
17 *be used to finance programs or activities denied by Congress*
18 *in fiscal years 2007 or 2008 appropriations to the Depart-*
19 *ment of Defense or to initiate a procurement or research,*
20 *development, test and evaluation new start program with-*
21 *out prior written notification to the congressional defense*
22 *committees.*

23 *SEC. 9306. Section 1002(c)(2) of the National Defense*
24 *Authorization Act, Fiscal Year 2008 (Public Law 110–181)*

1 *is amended by striking “\$362,159,000” and inserting*
2 *“\$435,259,000”.*

3 *SEC. 9307. None of the funds appropriated or other-*
4 *wise made available by this title may be obligated or ex-*
5 *pended to provide award fees to any defense contractor con-*
6 *trary to the provisions of section 814 of the National De-*
7 *fense Authorization Act, Fiscal Year 2007 (Public Law*
8 *109–364).*

9 *(RESCISSIONS)*

10 *SEC. 9308. (a) Of the funds made available for “De-*
11 *fense Health Program” in Public Law 110–28, \$75,000,000*
12 *are rescinded.*

13 *(b) Of the funds made available for “Joint Improvised*
14 *Explosive Device Defeat Fund” in division L of the Consoli-*
15 *dated Appropriations Act, 2008 (Public Law 110–161),*
16 *\$71,531,000 are rescinded.*

17 *SEC. 9309. Of the funds appropriated in the U.S.*
18 *Troop Readiness, Veterans’ Care, Katrina Recovery, and*
19 *Iraq Accountability Appropriations Act, 2007 (Public Law*
20 *110–28) which remain available for obligation under the*
21 *“Iraq Freedom Fund”, \$150,000,000 is only for the Joint*
22 *Rapid Acquisition Cell, and \$10,000,000 is only for the*
23 *transportation of fallen service members.*

24 *SEC. 9310. None of the funds available to the Depart-*
25 *ment of Defense may be obligated or expended to implement*
26 *any final action on joint basing initiatives required under*

1 *the 2005 round of defense base closure and realignment*
2 *under the Defense Base Closure and Realignment Act of*
3 *1990 (part A of title XXIX of Public Law 101–510; 10*
4 *U.S.C. 2687 note) until each affected Secretary of a mili-*
5 *tary department or the head of each affected Federal agency*
6 *certifies to the congressional defense committees that joint*
7 *basing at the affected military installation will result in*
8 *significant costs savings and will not negatively impact the*
9 *morale of members of the Armed Forces.*

10 *SEC. 9311. Funds available in this title which are*
11 *available to the Department of Defense for operation and*
12 *maintenance may be used to purchase items having an in-*
13 *vestment unit cost of not more than \$250,000: Provided,*
14 *That upon determination by the Secretary of Defense that*
15 *such action is necessary to meet the operational require-*
16 *ments of a Commander of a Combatant Command engaged*
17 *in contingency operations overseas, such funds may be used*
18 *to purchase items having an investment item unit cost of*
19 *not more than \$500,000.*

20 **(2)**In lieu of the language proposed to be inserted, insert
21 the following:

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TITLE I
OTHER SECURITY, MILITARY CONSTRUCTION,
AND INTERNATIONAL MATTERS

CHAPTER 1
DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for “Public Law 480 Title II Grants”, \$850,000,000, to remain available until expended.

For an additional amount for “Public Law 480 Title II Grants”, \$395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, \$4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$1,648,000, to remain available until September 30, 2009.

1 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

2 *For an additional amount for “Salaries and Expenses,*
3 *United States Attorneys”, \$5,000,000, to remain available*
4 *until September 30, 2009.*

5 *UNITED STATES MARSHALS SERVICE*6 *SALARIES AND EXPENSES*

7 *For an additional amount for “Salaries and Ex-*
8 *penses”, \$18,621,000, to remain available until September*
9 *30, 2009.*

10 *FEDERAL BUREAU OF INVESTIGATION*11 *SALARIES AND EXPENSES*

12 *For an additional amount for “Salaries and Ex-*
13 *penses”, \$164,965,000, to remain available until September*
14 *30, 2009.*

15 *For an additional amount for “Salaries and Ex-*
16 *penses”, \$82,600,000 to become available on October 1, 2008*
17 *and to remain available until September 30, 2009.*

18 *DRUG ENFORCEMENT ADMINISTRATION*19 *SALARIES AND EXPENSES*

20 *For an additional amount for “Salaries and Ex-*
21 *penses”, \$22,666,000, to remain available until September*
22 *30, 2009.*

1 *BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND*
2 *EXPLOSIVES*

3 *SALARIES AND EXPENSES*

4 *For an additional amount for “Salaries and Ex-*
5 *penses”, \$4,000,000, to remain available until September*
6 *30, 2009.*

7 *FEDERAL PRISON SYSTEM*

8 *SALARIES AND EXPENSES*

9 *For an additional amount for “Salaries and Ex-*
10 *penses”, \$9,100,000, to remain available until September*
11 *30, 2009.*

12 *CHAPTER 3*

13 *MILITARY CONSTRUCTION*

14 *MILITARY CONSTRUCTION, ARMY*

15 *For an additional amount for “Military Construction,*
16 *Army”, \$1,170,200,000: Provided, That such funds may be*
17 *obligated and expended to carry out planning and design*
18 *and military construction projects not otherwise authorized*
19 *by law: Provided further, That of the funds made available*
20 *under this heading, \$1,033,000,000 shall remain available*
21 *until September 30, 2009, and \$137,200,000 shall remain*
22 *available until September 30, 2012: Provided further, That*
23 *funds made available under this heading for military con-*
24 *struction projects in Iraq shall not be obligated or expended*
25 *until the Secretary of Defense certifies to the Committees*

1 *on Appropriations of both Houses of Congress that none of*
2 *the funds are to be used for the purpose of providing facili-*
3 *ties for the permanent basing of U.S. military personnel*
4 *in Iraq.*

5 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

6 *For an additional amount for “Military Construction,*
7 *Navy and Marine Corps”, \$300,084,000: Provided, That*
8 *such funds may be obligated and expended to carry out*
9 *planning and design and military construction projects not*
10 *otherwise authorized by law: Provided further, That of the*
11 *funds made available under this heading, \$270,785,000*
12 *shall remain available until September 30, 2009, and*
13 *\$29,299,000 shall remain available until September 30,*
14 *2012.*

15 *MILITARY CONSTRUCTION, AIR FORCE*

16 *For an additional amount for “Military Construction,*
17 *Air Force”, \$361,900,000: Provided, That such funds may*
18 *be obligated and expended to carry out planning and design*
19 *and military construction projects not otherwise authorized*
20 *by law: Provided further, That of the funds made available*
21 *under this heading, \$324,300,000 shall remain available*
22 *until September 30, 2009, and \$37,600,000 shall remain*
23 *available until September 30, 2012: Provided further, That*
24 *funds made available under this heading for military con-*
25 *struction projects in Iraq shall not be obligated or expended*

1 *until the Secretary of Defense certifies to the Committees*
2 *on Appropriations of both Houses of Congress that none of*
3 *the funds are to be used for the purpose of providing facili-*
4 *ties for the permanent basing of U.S. military personnel*
5 *in Iraq.*

6 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

7 *For an additional amount for “Military Construction,*
8 *Defense-Wide”, \$27,600,000, to remain available until Sep-*
9 *tember 30, 2009: Provided, That such funds may be obli-*
10 *gated and expended to carry out planning and design and*
11 *military construction projects not otherwise authorized by*
12 *law.*

13 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*
14 *CORPS*

15 *For an additional amount for “Family Housing Con-*
16 *struction, Navy and Marine Corps”, \$11,766,000, to remain*
17 *available until September 30, 2012: Provided, That such*
18 *funds may be obligated or expended for planning and de-*
19 *sign and military construction projects not otherwise au-*
20 *thorized by law.*

21 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

22 *For deposit into the Department of Defense Base Clo-*
23 *sure Account 2005, established by section 2906A(a)(1) of the*
24 *Defense Base Closure and Realignment Act of 1990 (10*

1 *U.S.C. 2687 note), \$1,202,886,000, to remain available*
2 *until expended.*

3 *DEPARTMENT OF VETERANS AFFAIRS*

4 *DEPARTMENTAL ADMINISTRATION*

5 *GENERAL OPERATING EXPENSES*

6 *For an additional amount for “General Operating Ex-*
7 *penses”, \$100,000,000, to remain available until expended.*

8 *INFORMATION TECHNOLOGY SYSTEMS*

9 *For an additional amount for “Information Tech-*
10 *nology Systems”, \$20,000,000, to remain available until ex-*
11 *pended.*

12 *CONSTRUCTION, MAJOR PROJECTS*

13 *For an additional amount for “Construction, Major*
14 *Projects”, \$437,100,000, to remain available until ex-*
15 *pended, which shall be for acceleration and completion of*
16 *planned major construction of Level I polytrauma rehabili-*
17 *tation centers as identified in the Department of Veterans*
18 *Affairs’ Five Year Capital Plan: Provided, That notwith-*
19 *standing any other provision of law, such funds may be*
20 *obligated and expended to carry out planning and design*
21 *and major medical facility construction not otherwise au-*
22 *thorized by law: Provided further, That within 30 days of*
23 *enactment of this Act the Secretary shall submit to the Com-*
24 *mittees on Appropriations of both Houses of Congress an*
25 *expenditure plan for funds provided under this heading.*

1 *GENERAL PROVISIONS—THIS CHAPTER*

2 *SEC. 1301. In addition to amounts otherwise appro-*
3 *priated or made available under the heading “Military*
4 *Construction, Army”, there is hereby appropriated an addi-*
5 *tional \$70,600,000, to remain available until September 30,*
6 *2012, for the acceleration and completion of child develop-*
7 *ment center construction as proposed in the fiscal year 2009*
8 *budget request for the Department of the Army: Provided,*
9 *That such funds may be obligated and expended to carry*
10 *out planning and design and military construction not oth-*
11 *erwise authorized by law.*

12 *SEC. 1302. In addition to amounts otherwise appro-*
13 *priated or made available under the heading “Military*
14 *Construction, Navy and Marine Corps”, there is hereby ap-*
15 *propriated an additional \$89,820,000, to remain available*
16 *until September 30, 2012, for the acceleration and comple-*
17 *tion of child development and youth center construction as*
18 *proposed in the fiscal year 2009 budget request for the De-*
19 *partment of the Navy: Provided, That such funds may be*
20 *obligated and expended to carry out planning and design*
21 *and military construction not otherwise authorized by law.*

22 *SEC. 1303. In addition to amounts otherwise appro-*
23 *priated or made available under the heading “Military*
24 *Construction, Air Force”, there is hereby appropriated an*
25 *additional \$8,100,000, to remain available until September*

1 30, 2012, for the acceleration and completion of child devel-
2 opment center construction as proposed in the fiscal year
3 2009 budget request for the Department of the Air Force:
4 Provided, That such funds may be obligated and expended
5 to carry out planning and design and military construction
6 not otherwise authorized by law.

7 *SEC. 1304. In addition to amounts otherwise appro-*
8 *priated or made available under the heading “Military*
9 *Construction, Army”, there is hereby appropriated an addi-*
10 *tional \$200,000,000, to remain available until September*
11 *30, 2012, to accelerate barracks improvements at Depart-*
12 *ment of the Army installations: Provided, That such funds*
13 *may be obligated and expended to carry out planning and*
14 *design and barracks construction not otherwise authorized*
15 *by law: Provided further, That within 30 days of enactment*
16 *of this Act the Secretary shall submit to the Committees*
17 *on Appropriations of both Houses of Congress an expendi-*
18 *ture plan for barracks construction prior to obligation.*

19 *SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS*
20 *OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO*
21 *DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN*
22 *THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION*
23 *ON AUTHORITY.—*

1 (1) *IN GENERAL.*—Chapter 53 of title 38, United
2 States Code, is amended by inserting after section
3 5302 the following new section:

4 **“§ 5302A. Collection of indebtedness: certain debts of**
5 **members of the Armed Forces and vet-**
6 **erans who die of injury incurred or aggra-**
7 **vated in the line of duty in a combat zone**

8 “(a) *LIMITATION ON AUTHORITY.*—The Secretary may
9 not collect all or any part of an amount owed to the United
10 States by a member of the Armed Forces or veteran de-
11 scribed in subsection (b) under any program under the laws
12 administered by the Secretary, other than a program re-
13 ferred to in subsection (c), if the Secretary determines that
14 termination of collection is in the best interest of the United
15 States.

16 “(b) *COVERED INDIVIDUALS.*—A member of the Armed
17 Forces or veteran described in this subsection is any mem-
18 ber or veteran who dies as a result of an injury incurred
19 or aggravated in the line of duty while serving in a theater
20 of combat operations (as determined by the Secretary in
21 consultation with the Secretary of Defense) in a war or in
22 combat against a hostile force during a period of hostilities
23 (as that term is defined in section 1712A(a)(2)(B) of this
24 title) after September 11, 2001.

1 “(c) *INAPPLICABILITY TO HOUSING AND SMALL BUSI-*
 2 *NESS BENEFIT PROGRAMS.*—*The limitation on authority*
 3 *in subsection (a) shall not apply to any amounts owed the*
 4 *United States under any program carried out under chap-*
 5 *ter 37 of this title.”.*

6 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 7 *tions at the beginning of chapter 53 of such title is*
 8 *amended by inserting after the item relating to sec-*
 9 *tion 5302 the following new item:*

“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.”.*

10 (b) *EQUITABLE REFUND.*—*In any case where all or*
 11 *any part of an indebtedness of a covered individual, as de-*
 12 *scribed in section 5302A(a) of title 38, United States Code,*
 13 *as added by subsection (a)(1), was collected after September*
 14 *11, 2001, and before the date of the enactment of this Act,*
 15 *and the Secretary of Veterans Affairs determines that such*
 16 *indebtedness would have been terminated had such section*
 17 *been in effect at such time, the Secretary may refund the*
 18 *amount so collected if the Secretary determines that the in-*
 19 *dividual is equitably entitled to such refund.*

20 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 21 *section shall take effect on the date of the enactment of this*
 22 *Act, and shall apply with respect to collections of indebted-*
 23 *ness of members of the Armed Forces and veterans who die*
 24 *on or after September 11, 2001.*

1 *such time as a United States Consulate in Lhasa, Tibet*
2 *is established.*

3 *OFFICE OF INSPECTOR GENERAL*
4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Office of Inspector*
6 *General”, \$12,500,000, to remain available until September*
7 *30, 2009: Provided, That \$2,500,000 shall be transferred to*
8 *the Special Inspector General for Iraq Reconstruction for*
9 *reconstruction oversight, and up to \$5,000,000 may be*
10 *transferred to the Special Inspector General for Afghanistan*
11 *Reconstruction for reconstruction oversight.*

12 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

13 *For an additional amount for “Educational and Cul-*
14 *tural Exchange Programs”, \$10,000,000, to remain avail-*
15 *able until September 30, 2009, of which \$5,000,000 shall*
16 *be for programs and activities in Africa, and \$5,000,000*
17 *shall be for programs and activities in the Western Hemi-*
18 *sphere.*

19 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

20 *For an additional amount for “Embassy Security,*
21 *Construction, and Maintenance”, \$76,700,000, to remain*
22 *available until expended, for facilities in Afghanistan.*

1 *INTERNATIONAL ORGANIZATIONS*2 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

3 *For an additional amount for “Contributions to Inter-*
4 *national Organizations”, \$66,000,000, to remain available*
5 *until September 30, 2009.*

6 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*7 *ACTIVITIES*

8 *For an additional amount for “Contributions for*
9 *International Peacekeeping Activities”, \$383,600,000, to re-*
10 *main available until September 30, 2009, of which*
11 *\$333,600,000 shall be made available for the United Na-*
12 *tions-African Union Hybrid Mission in Darfur.*

13 *RELATED AGENCY*14 *BROADCASTING BOARD OF GOVERNORS*15 *INTERNATIONAL BROADCASTING OPERATIONS*

16 *For an additional amount for “International Broad-*
17 *casting Operations”, \$3,000,000, to remain available until*
18 *September 30, 2009.*

19 *BILATERAL ECONOMIC ASSISTANCE*20 *FUNDS APPROPRIATED TO THE PRESIDENT*21 *INTERNATIONAL DISASTER ASSISTANCE*

22 *For an additional amount for “International Disaster*
23 *Assistance”, \$240,000,000, to remain available until ex-*
24 *pendent.*

1 OPERATING EXPENSES OF THE UNITED STATES AGENCY
2 FOR INTERNATIONAL DEVELOPMENT

3 For an additional amount for “Operating Expenses of
4 the United States Agency for International Development”,
5 \$149,500,000, to remain available until September 30,
6 2009: Provided, That of the funds appropriated under this
7 heading, not more than \$25,000,000 shall be made available
8 to establish and implement a coordinated civilian response
9 capacity at the United States Agency for International De-
10 velopment.

11 OPERATING EXPENSES OF THE UNITED STATES AGENCY
12 FOR INTERNATIONAL DEVELOPMENT
13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for “Operating Expenses of
15 the United States Agency for International Development
16 Office of Inspector General”, \$4,000,000, to remain avail-
17 able until September 30, 2009.

18 OTHER BILATERAL ECONOMIC ASSISTANCE
19 ECONOMIC SUPPORT FUND

20 For an additional amount for “Economic Support
21 Fund”, \$1,962,500,000, to remain available until Sep-
22 tember 30, 2009, of which not more than \$398,000,000 may
23 be made available for assistance for Iraq, \$150,000,000
24 shall be made available for assistance for Jordan to meet
25 the needs of Iraqi refugees, and up to \$53,000,000 may be
26 made available for energy-related assistance for North

1 *Korea, notwithstanding any other provision of law: Pro-*
2 *vided, That not more than \$200,000,000 of the funds appro-*
3 *priated under this heading in this subchapter shall be made*
4 *available for assistance for the West Bank: Provided further,*
5 *That funds made available pursuant to the previous proviso*
6 *shall be subject to the regular notification procedures of the*
7 *Committees on Appropriations: Provided further, That the*
8 *funds made available under this heading for energy-related*
9 *assistance for North Korea may be made available to sup-*
10 *port the goals of the Six Party Talks Agreements after the*
11 *Secretary of State determines and reports to the Committees*
12 *on Appropriations that North Korea is continuing to fulfill*
13 *its commitments under such agreements.*

14 *DEPARTMENT OF STATE*

15 *DEMOCRACY FUND*

16 *For an additional amount for “Democracy Fund”,*
17 *\$76,000,000, to remain available until September 30, 2009,*
18 *of which \$75,000,000 shall be for democracy programs in*
19 *Iraq and \$1,000,000 shall be for democracy programs in*
20 *Chad.*

21 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

22 *ENFORCEMENT*

23 *For an additional amount for “International Nar-*
24 *cotics Control and Law Enforcement”, \$520,000,000, to re-*
25 *main available until September 30, 2009, of which not more*
26 *than \$25,000,000 shall be made available for security assist-*

1 *ance for the West Bank: Provided, That of the funds appro-*
2 *priated under this heading, \$1,000,000 shall be made avail-*
3 *able for the Office of the United Nations High Commis-*
4 *sioner for Human Rights in Mexico.*

5 *MIGRATION AND REFUGEE ASSISTANCE*

6 *For an additional amount for “Migration and Refugee*
7 *Assistance”, \$330,500,000, to remain available until ex-*
8 *pended.*

9 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*

10 *ASSISTANCE FUND*

11 *For an additional amount for “United States Emer-*
12 *gency Refugee and Migration Assistance Fund”,*
13 *\$36,608,000, to remain available until expended.*

14 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*

15 *RELATED PROGRAMS*

16 *For an additional amount for “Nonproliferation,*
17 *Anti-Terrorism, Demining and Related Programs”,*
18 *\$10,000,000, to remain available until September 30, 2009.*

19 *MILITARY ASSISTANCE*

20 *FUNDS APPROPRIATED TO THE PRESIDENT*

21 *PEACEKEEPING OPERATIONS*

22 *For an additional amount for “Peacekeeping Oper-*
23 *ations”, \$10,000,000, to remain available until September*
24 *30, 2009.*

1 *SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR*
2 *FISCAL YEAR 2009*
3 *DEPARTMENT OF STATE*
4 *ADMINISTRATION OF FOREIGN AFFAIRS*
5 *DIPLOMATIC AND CONSULAR PROGRAMS*

6 *For an additional amount for “Diplomatic and Con-*
7 *sular Programs”, \$652,400,000, which shall become avail-*
8 *able on October 1, 2008 and remain available through Sep-*
9 *tember 30, 2009: Provided, That of the funds appropriated*
10 *under this heading, \$78,400,000 is for worldwide security*
11 *protection and shall remain available until expended: Pro-*
12 *vided further, That not more than \$500,000,000 of the funds*
13 *appropriated under this heading shall be available for dip-*
14 *lomatic operations in Iraq.*

15 *OFFICE OF INSPECTOR GENERAL*
16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For an additional amount for “Office of Inspector*
18 *General”, \$57,000,000, which shall become available on Oc-*
19 *tober 1, 2008 and remain available through September 30,*
20 *2009: Provided, That \$36,500,000 shall be transferred to the*
21 *Special Inspector General for Iraq Reconstruction for recon-*
22 *struction oversight and up to \$5,000,000 shall be trans-*
23 *ferred to the Special Inspector General for Afghanistan Re-*
24 *construction for reconstruction oversight.*

1 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

2 *For an additional amount for “Embassy Security,*
3 *Construction, and Maintenance”, \$41,300,000, which shall*
4 *become available on October 1, 2008 and remain available*
5 *until expended, for facilities in Afghanistan.*

6 *INTERNATIONAL ORGANIZATIONS*7 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

8 *For an additional amount for “Contributions to Inter-*
9 *national Organizations”, \$75,000,000, which shall become*
10 *available on October 1, 2008 and remain available through*
11 *September 30, 2009.*

12 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*13 *ACTIVITIES*

14 *For an additional amount for “Contributions for*
15 *International Peacekeeping Activities”, \$150,500,000,*
16 *which shall become available on October 1, 2008 and re-*
17 *main available through September 30, 2009.*

18 *RELATED AGENCY*19 *BROADCASTING BOARD OF GOVERNORS*20 *INTERNATIONAL BROADCASTING OPERATIONS*

21 *For an additional amount for “International Broad-*
22 *casting Operations”, \$6,000,000, which shall become avail-*
23 *able on October 1, 2008 and remain available through Sep-*
24 *tember 30, 2009.*

1 *BILATERAL ECONOMIC ASSISTANCE*2 *FUNDS APPROPRIATED TO THE PRESIDENT*3 *GLOBAL HEALTH AND CHILD SURVIVAL*

4 *For an additional amount for “Global Health and*
5 *Child Survival”, \$75,000,000, which shall become available*
6 *on October 1, 2008 and remain available through Sep-*
7 *tember 30, 2009, for programs to combat avian influenza.*

8 *DEVELOPMENT ASSISTANCE*

9 *For an additional amount for “Development Assist-*
10 *ance”, \$200,000,000, for assistance for developing countries*
11 *to address the international food crisis notwithstanding any*
12 *other provision of law, which shall become available on Oc-*
13 *tober 1, 2008 and remain available through September 30,*
14 *2010: Provided, That such assistance should be carried out*
15 *consistent with the purposes of section 103(a)(1) of the For-*
16 *eign Assistance Act of 1961: Provided further, That not*
17 *more than \$50,000,000 should be made available for local*
18 *or regional purchase and distribution of food: Provided fur-*
19 *ther, That the Secretary of State shall submit to the Com-*
20 *mittees on Appropriations not later than 45 days after en-*
21 *actment of this Act, and prior to the initial obligation of*
22 *funds appropriated under this heading, a report on the pro-*
23 *posed uses of such funds to alleviate hunger and malnutri-*
24 *tion, including a list of those countries facing significant*
25 *food shortages.*

1 *INTERNATIONAL DISASTER ASSISTANCE*

2 *For an additional amount for “International Disaster*
3 *Assistance”, \$200,000,000, which shall become available on*
4 *October 1, 2008 and remain available until expended.*

5 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*

6 *FOR INTERNATIONAL DEVELOPMENT*

7 *For an additional amount for “Operating Expenses of*
8 *the United States Agency for International Development”,*
9 *\$93,000,000, which shall become available on October 1,*
10 *2008 and remain available through September 30, 2009.*

11 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*

12 *FOR INTERNATIONAL DEVELOPMENT*

13 *OFFICE OF INSPECTOR GENERAL*

14 *For an additional amount for “Operating Expenses of*
15 *the United States Agency for International Development*
16 *Office of Inspector General”, \$1,000,000, which shall become*
17 *available on October 1, 2008 and remain available through*
18 *September 30, 2009.*

19 *OTHER BILATERAL ECONOMIC ASSISTANCE*

20 *ECONOMIC SUPPORT FUND*

21 *For an additional amount for “Economic Support*
22 *Fund”, \$1,132,300,000, which shall become available on Oc-*
23 *tober 1, 2008 and remain available through September 30,*
24 *2009, of which not more than \$110,000,000 may be made*
25 *available for assistance for Iraq, \$100,000,000 shall be*
26 *made available for assistance for Jordan, not more than*

1 \$455,000,000 may be made available for assistance for Af-
2 ghanistan, not more than \$150,000,000 may be made avail-
3 able for assistance for Pakistan, not more than
4 \$150,000,000 shall be made available for assistance for the
5 West Bank, and \$15,000,000 may be made available for en-
6 ergy-related assistance for North Korea, notwithstanding
7 any other provision of law.

8 *DEPARTMENT OF STATE*

9 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

10 *ENFORCEMENT*

11 *For an additional amount for “International Nar-*
12 *cotics Control and Law Enforcement”, \$151,000,000, which*
13 *shall become available on October 1, 2008 and remain*
14 *available through September 30, 2009, of which not more*
15 *than \$50,000,000 shall be made available for security assist-*
16 *ance for the West Bank.*

17 *MIGRATION AND REFUGEE ASSISTANCE*

18 *For an additional amount for “Migration and Refugee*
19 *Assistance”, \$350,000,000, which shall become available on*
20 *October 1, 2008 and remain available until expended.*

21 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*

22 *RELATED PROGRAMS*

23 *For an additional amount for “Nonproliferation,*
24 *Anti-Terrorism, Demining and Related Programs”,*
25 *\$4,500,000, for humanitarian demining assistance for Iraq,*

1 *which shall become available on October 1, 2008 and re-*
2 *main available through September 30, 2009.*

3 *MILITARY ASSISTANCE*

4 *FUNDS APPROPRIATED TO THE PRESIDENT*

5 *FOREIGN MILITARY FINANCING PROGRAM*

6 *For an additional amount for “Foreign Military Fi-*
7 *ancing Program”, \$145,000,000, which shall become avail-*
8 *able on October 1, 2008 and remain available through Sep-*
9 *tember 30, 2009, of which \$100,000,000 shall be made avail-*
10 *able for assistance for Jordan: Provided, That section*
11 *3802(c) of title III, chapter 8 of Public of Law 110–28 shall*
12 *apply to funds made available under this heading for assist-*
13 *ance for Lebanon.*

14 *PEACEKEEPING OPERATIONS*

15 *For an additional amount for “Peacekeeping Oper-*
16 *ations”, \$85,000,000, which shall become available on Octo-*
17 *ber 1, 2008 and remain available through September 30,*
18 *2009.*

19 *SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER*

20 *EXTENSION OF AUTHORITIES*

21 *SEC. 1401. Funds appropriated by this chapter may*
22 *be obligated and expended notwithstanding section 10 of*
23 *Public Law 91–672 (22 U.S.C. 2412), section 15 of the*
24 *State Department Basic Authorities Act of 1956 (22 U.S.C.*
25 *2680), section 313 of the Foreign Relations Authorization*
26 *Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and sec-*

1 *tion 504(a)(1) of the National Security Act of 1947 (50*
2 *U.S.C. 414(a)(1)).*

3 *IRAQ*

4 *SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—*

5 *(1) None of the funds appropriated by this chap-*
6 *ter for infrastructure maintenance activities in Iraq*
7 *may be made available until the Secretary of State*
8 *certifies and reports to the Committees on Appropria-*
9 *tions that the Governments of the United States and*
10 *Iraq have entered into, and are implementing, an*
11 *asset transfer agreement that includes commitments*
12 *by the Government of Iraq to maintain United*
13 *States-funded infrastructure in Iraq.*

14 *(2) None of the funds appropriated by this chap-*
15 *ter may be made available for the construction of*
16 *prison facilities in Iraq.*

17 *(b) ANTI-CORRUPTION.—None of the funds appro-*
18 *priated by this chapter for rule of law programs in Iraq*
19 *may be made available for assistance for the Government*
20 *of Iraq until the Secretary of State certifies and reports*
21 *to the Committees on Appropriations that a comprehensive*
22 *anti-corruption strategy has been developed, and is being*
23 *implemented, by the Government of Iraq, and the Secretary*
24 *of State submits a list, in classified form if necessary, to*
25 *the Committees on Appropriations of senior Iraqi officials*

1 *who the Secretary has credible evidence to believe have com-*
2 *mitted corrupt acts.*

3 (c) *PROVINCIAL RECONSTRUCTION TEAMS.*—None of
4 *the funds appropriated by this chapter for the operational*
5 *or program expenses of Provincial Reconstruction Teams*
6 *(PRTs) in Iraq may be made available until the Secretary*
7 *of State submits a report to the Committees on Appropria-*
8 *tions detailing—*

9 (1) *the strategy for the eventual winding down*
10 *and close out of PRTs;*

11 (2) *anticipated costs associated with PRT oper-*
12 *ations, programs, and eventual winding down and*
13 *close out, including security for PRT personnel and*
14 *anticipated Government of Iraq contributions; and*

15 (3) *anticipated placement and cost estimates of*
16 *future United States Consulates in Iraq.*

17 (d) *COMMUNITY STABILIZATION PROGRAM.*—None of
18 *the funds appropriated by this chapter for the Community*
19 *Stabilization Program in Iraq may be made available until*
20 *the Secretary of State certifies and reports to the Commit-*
21 *tees on Appropriations that the United States Agency for*
22 *International Development is implementing recommenda-*
23 *tions contained in Office of Inspector General Audit Report*
24 *No. E-267-08-001-P to ensure accountability of funds.*

25 (e) *MATCHING REQUIREMENT.*—

1 (1) *Notwithstanding any other provision of law,*
2 *funds appropriated by this chapter for assistance for*
3 *Iraq shall be made available only to the extent that*
4 *the Government of Iraq matches such assistance on a*
5 *dollar-for-dollar basis.*

6 (2) *Subsection (e)(1) shall not apply to funds*
7 *made available for—*

8 (A) *grants and cooperative agreements for*
9 *programs to promote democracy and human*
10 *rights;*

11 (B) *the Community Action Program and*
12 *other assistance through civil society organiza-*
13 *tions;*

14 (C) *humanitarian demining; or*

15 (D) *assistance for refugees, internally dis-*
16 *placed persons, and civilian victims of the mili-*
17 *tary operations.*

18 (3) *The Secretary of State shall certify to the*
19 *Committees on Appropriations prior to the initial ob-*
20 *ligation of funds pursuant to this section that the*
21 *Government of Iraq has committed to obligate match-*
22 *ing funds on a dollar-for-dollar basis. The Secretary*
23 *shall submit a report to the Committees on Appro-*
24 *propriations not later than September 30, 2008 and 180*
25 *days thereafter, detailing the amounts of funds obli-*

1 gated and expended by the Government of Iraq to
2 meet the requirements of this section.

3 (4) Not later than 45 days after enactment of
4 this Act, the Secretary of State shall submit a report
5 to the Committees on Appropriations detailing the
6 amounts provided by the Government of Iraq since
7 June 30, 2004, to assist Iraqi refugees in Syria, Jor-
8 dan, and elsewhere, and the amount of such assistance
9 the Government of Iraq plans to provide in fiscal
10 year 2008. The Secretary shall work expeditiously
11 with the Government of Iraq to establish an account
12 within its annual budget sufficient to, at a minimum,
13 match United States contributions on a dollar-for-dol-
14 lar basis to organizations and programs for the pur-
15 pose of assisting Iraqi refugees.

16 (f) *VETTING*.—Prior to the initial obligation of funds
17 appropriated for assistance for Iraq in this chapter, the
18 Secretary of State shall, in consultation with the heads of
19 other Federal departments and agencies, take appropriate
20 steps to ensure that such funds are not provided to or
21 through any individual, private entity, or educational in-
22 stitution that the Secretary knows or has reason to believe
23 advocates, plans, sponsors, or engages in, terrorist activi-
24 ties.

25 (g) *IRAQ RELIEF AND RECONSTRUCTION FUND*.—

1 *maximum extent practicable, through local Afghan provin-*
2 *cial and municipal governments and Afghan civil society*
3 *organizations and in a manner that emphasizes the partici-*
4 *pation of Afghan women and directly improves the eco-*
5 *nomie, social and political status of Afghan women and*
6 *girls.*

7 (b) *HIGHER EDUCATION.*—*Of the funds appropriated*
8 *by this chapter under the heading “Economic Support*
9 *Fund” that are made available for education programs in*
10 *Afghanistan, not less than 50 percent shall be made avail-*
11 *able to support higher education and vocational training*
12 *programs in law, accounting, engineering, public adminis-*
13 *tration, and other disciplines necessary to rebuild the coun-*
14 *try, in which the participation of women is emphasized.*

15 (c) *CIVILIAN ASSISTANCE.*—*Of the funds appropriated*
16 *by this chapter under the heading “Economic Support*
17 *Fund” that are available for assistance for Afghanistan, not*
18 *less than \$10,000,000 shall be made available for continued*
19 *support of the United States Agency for International De-*
20 *velopment’s Afghan Civilian Assistance Program, and not*
21 *less than \$2,000,000 shall be made available for a United*
22 *States contribution to the North Atlantic Treaty Organiza-*
23 *tion/International Security Assistance Force Post-Oper-*
24 *ations Humanitarian Relief Fund.*

1 (d) *ANTI-CORRUPTION*.—Not later than 90 days after
2 the enactment of this Act, the Secretary of State shall—

3 (1) submit a report to the Committees on Appro-
4 priations on actions being taken by the Government
5 of Afghanistan to combat corruption within the na-
6 tional and provincial governments, including to re-
7 move and prosecute officials who have committed cor-
8 rupt acts;

9 (2) submit a list to the Committees on Appro-
10 priations, in classified form if necessary, of senior Af-
11 ghan officials who the Secretary has credible evidence
12 to believe have committed corrupt acts; and

13 (3) certify and report to the Committees on Ap-
14 propriations that effective mechanisms are in place to
15 ensure that assistance to national government min-
16 istries and provincial governments will be properly
17 accounted for.

18 *WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA*

19 *SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.*—

20 (1) *IN GENERAL.*—Except as provided in sub-
21 section (b), the President may waive in whole or in
22 part, with respect to North Korea, the application of
23 any sanction under section 102(b) of the Arms Export
24 Control Act (22 U.S.C. 2799aa–1(b)), for the purpose
25 of—

1 (A) assisting in the implementation and
2 verification of the compliance by North Korea
3 with its commitment, undertaken in the Joint
4 Statement of September 19, 2005, to abandon all
5 nuclear weapons and existing nuclear programs
6 as part of the verifiable denuclearization of the
7 Korean Peninsula; and

8 (B) promoting the elimination of the capa-
9 bility of North Korea to develop, deploy, transfer,
10 or maintain weapons of mass destruction and
11 their delivery systems.

12 (2) *DURATION OF WAIVER.*—Any waiver issued
13 under this subsection shall expire at the end of the
14 calendar year in which it is issued.

15 (b) *EXCEPTIONS.*—

16 (1) *LIMITED EXCEPTION RELATED TO CERTAIN*
17 *SANCTIONS AND PROHIBITIONS.*—The authority under
18 subsection (a) shall not apply with respect to a sanc-
19 tion or prohibition under subparagraph (B), (C), or
20 (G) of section 102(b)(2) of the Arms Export Control
21 Act, unless the President determines and certifies to
22 the appropriate congressional committees that—

23 (A) all reasonable steps will be taken to as-
24 sure that the articles or services exported or oth-
25 erwise provided will not be used to improve the

1 *military capabilities of the armed forces of North*
2 *Korea; and*

3 *(B) such waiver is in the national security*
4 *interests of the United States.*

5 (2) *LIMITED EXCEPTION RELATED TO CERTAIN*
6 *ACTIVITIES.—Unless the President determines and*
7 *certifies to the appropriate congressional committees*
8 *that using the authority under subsection (a) is vital*
9 *to the national security interests of the United States,*
10 *such authority shall not apply with respect to—*

11 *(A) an activity described in subparagraph*
12 *(A) of section 102(b)(1) of the Arms Export Con-*
13 *trol Act that occurs after September 19, 2005,*
14 *and before the date of the enactment of this Act;*

15 *(B) an activity described in subparagraph*
16 *(C) of such section that occurs after September*
17 *19, 2005; or*

18 *(C) an activity described in subparagraph*
19 *(D) of such section that occurs after the date of*
20 *enactment of this Act.*

21 (3) *EXCEPTION RELATED TO CERTAIN ACTIVITIES*
22 *OCCURRING AFTER DATE OF ENACTMENT.—The au-*
23 *thority under subsection (a) shall not apply with re-*
24 *spect to an activity described in subparagraph (A) or*
25 *(B) of section 102(b)(1) of the Arms Export Control*

1 *Act that occurs after the date of the enactment of this*
2 *Act.*

3 *(c) NOTIFICATIONS AND REPORTS.—*

4 *(1) CONGRESSIONAL NOTIFICATION.—The Presi-*
5 *dent shall notify the appropriate congressional com-*
6 *mittees in writing not later than 15 days before exer-*
7 *cising the waiver authority under subsection (a).*

8 *(2) ANNUAL REPORT.—Not later than January*
9 *31, 2009, and annually thereafter, the President shall*
10 *submit to the appropriate congressional committees a*
11 *report that—*

12 *(A) lists all waivers issued under subsection*
13 *(a) during the preceding year;*

14 *(B) describes in detail the progress that is*
15 *being made in the implementation of the com-*
16 *mitment undertaken by North Korea, in the*
17 *Joint Statement of September 19, 2005, to aban-*
18 *don all nuclear weapons and existing nuclear*
19 *programs as part of the verifiable*
20 *denuclearization of the Korean Peninsula;*

21 *(C) discusses specifically any shortcomings*
22 *in the implementation by North Korea of that*
23 *commitment; and*

24 *(D) lists and describes the progress and*
25 *shortcomings, in the preceding year, of all other*

1 *place to ensure that members and units of the Mexican mili-*
2 *tary and police forces that receive assistance pursuant to*
3 *this section have not been involved in human rights viola-*
4 *tions or corrupt acts.*

5 (b) *ALLOCATION OF FUNDS.—Twenty-five percent of*
6 *the funds made available by subchapter A for assistance for*
7 *Mexico under the heading “International Narcotics Control*
8 *and Law Enforcement” may be obligated only after the Sec-*
9 *retary of State determines and reports to the Committees*
10 *on Appropriations that:*

11 (1) *The Government of Mexico is—*

12 (A) *strengthening the legal authority and*
13 *independence of the National Human Rights*
14 *Commission;*

15 (B) *establishing police complaints commis-*
16 *sions with authority and independence to receive*
17 *complaints and carry out effective investigations;*

18 (C) *establishing an independent mechanism,*
19 *with representation from civil society, to monitor*
20 *programs to combat drug trafficking and related*
21 *violence and organized crime, judicial reform,*
22 *anti-corruption, and rule of law activities to en-*
23 *sure due process and the protection of freedoms*
24 *of expression, association, and assembly, and*

1 *rights of privacy, in accordance with Mexican*
2 *and international law;*

3 *(D) is enforcing the prohibition on the use*
4 *of testimony obtained through torture or other*
5 *ill-treatment in violation of Mexican and inter-*
6 *national law;*

7 *(E) is ensuring that the Mexican military*
8 *justice system is transferring all cases involving*
9 *allegations of human rights violations by mili-*
10 *tary personnel to civilian prosecutors and judi-*
11 *cial authorities, and that the armed forces are*
12 *fully cooperating with civilian prosecutors and*
13 *judicial authorities in prosecuting and pun-*
14 *ishing in civilian courts members of the armed*
15 *forces who have been credibly alleged to have*
16 *committed such violations; and*

17 *(F) is ensuring that federal and state police*
18 *forces are fully cooperating with prosecutors and*
19 *judicial authorities in prosecuting and pun-*
20 *ishing members of the police forces who have been*
21 *credibly alleged to have committed violations of*
22 *human rights.*

23 *(2) Civilian prosecutors and judicial authorities*
24 *are investigating, prosecuting and punishing members*
25 *of the Mexican military and police forces who have*

1 *been credibly alleged to have committed human rights*
2 *violations.*

3 (c) *EXCEPTION.*—*Notwithstanding subsection (b), of*
4 *the funds made available for assistance for Mexico pursuant*
5 *to this section, \$3,000,000 shall be made available for tech-*
6 *anical and other assistance to enable the Government of Mex-*
7 *ico to implement a unified national registry of federal,*
8 *state, and municipal police officers, and \$5,000,000 should*
9 *be made available to the Bureau of Alcohol, Tobacco, Fire-*
10 *arms and Explosives to deploy special agents in Mexico to*
11 *support Mexican law enforcement agencies in tracing seized*
12 *firearms and investigating firearms trafficking cases.*

13 (d) *REPORT.*—*The report required in subsection (b)*
14 *shall include a description of actions taken with respect to*
15 *each requirement specified in subsection (b) and the cases*
16 *or issues brought to the attention of the Secretary of State*
17 *for which the response or action taken has been inadequate.*

18 (e) *NOTIFICATION.*—*Funds made available for Mexico*
19 *in subchapter A shall be subject to the regular notification*
20 *procedures of the Committees on Appropriations and sec-*
21 *tion 634A of the Foreign Assistance Act of 1961 (22 U.S.C.*
22 *2394–1).*

23 (f) *SPENDING PLAN.*—*Not later than 45 days after the*
24 *date of the enactment of this Act, the Secretary of State*
25 *shall submit to the Committees on Appropriations a de-*

1 *tailed spending plan for funds appropriated or otherwise*
2 *made available for Mexico in subchapter A, which shall in-*
3 *clude a strategy for combating drug trafficking and related*
4 *violence and organized crime, judicial reform, preventing*
5 *corruption, and strengthening the rule of law, with concrete*
6 *goals, actions to be taken, budget proposals, and anticipated*
7 *results.*

8 *(g) CONSULTATION.—Not later than 90 days after the*
9 *date of the enactment of this Act, and every 120 days there-*
10 *after until September 30, 2010, the Secretary of State shall*
11 *consult with Mexican and internationally recognized*
12 *human rights organizations on progress in meeting the re-*
13 *quirements described in subsection (b).*

14 *CENTRAL AMERICA*

15 *SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF*
16 *CENTRAL AMERICA.—Of the funds appropriated in sub-*
17 *chapter A under the headings “International Narcotics*
18 *Control and Law Enforcement” and “Economic Support*
19 *Fund”, not more than \$100,000,000 may be made available*
20 *for assistance for the countries of Central America, Haiti,*
21 *and the Dominican Republic only to combat drug traf-*
22 *ficking and related violence and organized crime, and for*
23 *judicial reform, anti-corruption, and rule of law activities:*
24 *Provided, That of the funds appropriated under the heading*
25 *“Economic Support Fund”, \$40,000,000 shall be made*
26 *available through the United States Agency for Inter-*

1 *national Development for an Economic and Social Develop-*
2 *ment Fund for Central America: Provided further, That of*
3 *the funds made available pursuant to this section,*
4 *\$5,000,000 shall be made available for assistance for Haiti*
5 *and \$5,000,000 shall be made available for assistance for*
6 *the Dominican Republic: Provided further, That of the*
7 *funds made available pursuant to this section that are*
8 *available for assistance for Guatemala, not less than*
9 *\$1,000,000 shall be made available for a United States con-*
10 *tribution to the International Commission Against Impu-*
11 *nity in Guatemala: Provided further, That none of the*
12 *funds shall be made available for budget support or as cash*
13 *payments: Provided further, That, with the exception of the*
14 *first and third provisos in this section, none of the funds*
15 *shall be available for obligation until the Secretary of State*
16 *determines and reports to the Committees on Appropria-*
17 *tions that vetting procedures are in place to ensure that*
18 *members and units of the military and police forces of the*
19 *countries of Central America, Haiti and the Dominican Re-*
20 *public that receive assistance pursuant to this section have*
21 *not been involved in human rights violations or corrupt*
22 *acts.*

23 (b) *ALLOCATION OF FUNDS.—Twenty-five percent of*
24 *the funds made available by subchapter A for assistance for*
25 *the countries of Central America, Haiti and the Dominican*

1 *Republic under the heading “International Narcotics Con-*
2 *trol and Law Enforcement” may be obligated only after the*
3 *Secretary of State determines and reports to the Committees*
4 *on Appropriations that the government of such country is—*

5 (1) *establishing a police complaints commission*
6 *with authority and independence to receive com-*
7 *plaints and carry out effective investigations;*

8 (2) *implementing reforms to improve the capac-*
9 *ity and ensure the independence of the judiciary; and*

10 (3) *suspending, prosecuting and punishing mem-*
11 *bers of the military and police forces who have been*
12 *credibly alleged to have committed violations of*
13 *human rights and corrupt acts.*

14 (c) *REPORT.—The report required in subsection (b)*
15 *shall include actions taken with respect to each requirement*
16 *and the cases or issues brought to the attention of the Sec-*
17 *retary for which the response or action taken has been inad-*
18 *equately.*

19 (d) *NOTIFICATION.—Funds made available for assist-*
20 *ance for the countries of Central America, Haiti and the*
21 *Dominican Republic in subchapter A shall be subject to the*
22 *regular notification procedures of the Committees on Appro-*
23 *priations and section 634A of the Foreign Assistance Act*
24 *of 1961 (22 U.S.C. 2394–1).*

1 *partment of State, Foreign Operations, and Related Pro-*
2 *grams Appropriations Act, 2008 (division J of Public Law*
3 *110–161), up to \$7,800,000 may be made available, in ad-*
4 *dition to amounts otherwise available for such purposes, for*
5 *administrative expenses of the United States Agency for*
6 *International Development for alternative development pro-*
7 *grams in the Andean region of South America. These funds*
8 *may be used to reimburse funds appropriated under the*
9 *heading “Operating Expenses of the United States Agency*
10 *for International Development” for obligations incurred for*
11 *the purposes provided under this section prior to enactment*
12 *of this Act.*

13 (b) *AUTHORITY.—Funds appropriated or otherwise*
14 *made available by title III of the Department of State, For-*
15 *ign Operations, and Related Programs Appropriations*
16 *Act, 2008 (division J of Public Law 110–161) under the*
17 *heading “Economic Support Fund” that are available for*
18 *a competitively awarded grant for nuclear security initia-*
19 *tives relating to North Korea shall be made available not-*
20 *withstanding any other provision of law.*

21 (c) *EXTENSION OF AUTHORITY.—Not more than*
22 *\$1,350,000 of the funds appropriated or otherwise made*
23 *available under the heading “Foreign Military Financing*
24 *Program” by the Department of State, Foreign Operations,*
25 *and Related Programs Appropriations Act, 2008 (division*

1 *J of Public Law 110–161) that were previously transferred*
2 *to and merged with “Diplomatic and Consular Programs”*
3 *may be made available for any purposes authorized for that*
4 *account, of which up to \$500,000 shall be made available*
5 *to increase the capacity of the United States Embassy in*
6 *Mexico City to vet members and units of Mexican military*
7 *and police forces that receive assistance made available by*
8 *this Act and to monitor the uses of such assistance.*

9 *(d) REIMBURSEMENTS.—Any agreement for the trans-*
10 *fer or allocation of funds appropriated by this Act, or prior*
11 *Acts, entered into between the United States Agency for*
12 *International Development and another agency of the*
13 *United States Government under the authority of section*
14 *632(a) of the Foreign Assistance Act of 1961 or any com-*
15 *parable provision of law, shall include the provision of suf-*
16 *ficient funds to fully reimburse the United States Agency*
17 *for International Development for the administrative costs,*
18 *including the cost of direct hire personnel, incurred in im-*
19 *plementing and managing the programs and activities*
20 *under such transfer or allocation. Such funds transferred*
21 *or allocated to the United States Agency for International*
22 *Development for administrative costs shall be transferred*
23 *to and merged with “Operating Expenses of the United*
24 *States Agency for International Development”.*

1 (e) *EXCEPTION.*—Section 8002 of title VIII of this Act
2 shall not apply to this section.

3 (f) *SPENDING AUTHORITY.*—Funds made available by
4 this chapter may be expended notwithstanding section 699K
5 of the Department of State, Foreign Operations, and Re-
6 lated Programs Appropriations Act, 2008 (division J of
7 Public Law 110–161).

8 *BUYING POWER MAINTENANCE ACCOUNT*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 1408. (a) Of the funds appropriated under the*
11 *heading “Diplomatic and Consular Programs” and allo-*
12 *cated by section 3810 of the U.S. Troop Readiness, Vet-*
13 *erans’ Care, Katrina Recovery, and Iraq Accountability*
14 *Appropriations Act, 2007 (Public Law 110–28),*
15 *\$26,000,000 shall be transferred to and merged with funds*
16 *in the “Buying Power Maintenance Account”: Provided,*
17 *That of the funds made available by this chapter up to an*
18 *additional \$74,000,000 may be transferred to and merged*
19 *with the “Buying Power Maintenance Account”, subject to*
20 *the regular notification procedures of the Committees on*
21 *Appropriations and in accordance with the procedures in*
22 *section 34 of the State Department Basic Authorities Act*
23 *of 1956 (22 U.S.C. 2706). Any funds transferred pursuant*
24 *to this section shall be available, without fiscal year limita-*
25 *tion, pursuant to section 24 of the State Department Basic*
26 *Authorities Act of 1956 (22 U.S.C. 2696).*

1 *eign operations, export financing, and related pro-*
2 *grams, \$10,000,000 are rescinded.*

3 *(c) MEXICO.—Of the unobligated balances of funds ap-*
4 *propriated for “Iraq Relief and Reconstruction Fund” in*
5 *prior Acts making appropriations for foreign operations,*
6 *export financing, and related programs, \$50,000,000 are re-*
7 *scinded, notwithstanding section 1402(g) of this Act.*

8 *(d) HORN OF AFRICA.—*

9 *(1) For an additional amount for “Economic*
10 *Support Fund”, \$40,000,000 for programs to promote*
11 *development and counter extremism in the Horn of*
12 *Africa, to be administered by the United States Agen-*
13 *cy for International Development, and to remain*
14 *available until September 30, 2009.*

15 *(2) Of the unobligated balances of funds appro-*
16 *priated for “Iraq Relief and Reconstruction Fund” in*
17 *prior Acts making appropriations for foreign oper-*
18 *ations, export financing, and related programs,*
19 *\$40,000,000 are rescinded, notwithstanding section*
20 *1402(g) of this Act.*

21 *(e) EXCEPTION.—Section 8002 of title VIII of this Act*
22 *shall not apply to subsections (a) and (b) of this section.*

23 *DARFUR PEACEKEEPING*

24 *SEC. 1411. Funds appropriated under the headings*
25 *“Foreign Military Financing Program” and “Peacekeeping*
26 *Operations” by the Department of State, Foreign Oper-*

1 *ations, and Related Programs Appropriations Act, 2008*
2 *(division J of Public Law 110–161) and by prior Acts mak-*
3 *ing appropriations for foreign operations, export financing,*
4 *and related programs may be used to transfer or lease heli-*
5 *copters necessary to the operations of the African Union/*
6 *United Nations peacekeeping operation in Darfur, Sudan,*
7 *that was established pursuant to United Nations Security*
8 *Council Resolution 1769. The President may utilize the au-*
9 *thority of sections 506 or 516 of the Foreign Assistance Act*
10 *of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms*
11 *Export Control Act (22 U.S.C. 2796) in order to effect such*
12 *transfer or lease, notwithstanding any other provision of*
13 *law except for sections 502B(a)(2), 620A and 620J of the*
14 *Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2),*
15 *2371, 2378d) and section 40A of the Arms Export Control*
16 *Act (22 U.S.C. 2780). Any exercise of the authority of sec-*
17 *tion 506 of the Foreign Assistance Act pursuant to this sec-*
18 *tion may include the authority to acquire helicopters by*
19 *contract.*

20 *FOOD SECURITY AND CYCLONE NARGIS RELIEF*

21 *(INCLUDING RESCISSION OF FUNDS)*

22 *SEC. 1412. (a) For an additional amount for “Inter-*
23 *national Disaster Assistance”, \$225,000,000, to address the*
24 *international food crisis globally and for assistance for*
25 *Burma to address the effects of Cyclone Nargis: Provided,*
26 *That not less than \$125,000,000 should be made available*

1 *for the local or regional purchase and distribution of food*
2 *to address the international food crisis: Provided further,*
3 *That notwithstanding any other provision of law, none of*
4 *the funds appropriated under this heading may be made*
5 *available for assistance for the State Peace and Develop-*
6 *ment Council.*

7 **(b)** *Of the unexpended balances of funds appropriated*
8 *under the heading “Millennium Challenge Corporation” in*
9 *prior Acts making appropriations for foreign operations,*
10 *export financing and related programs, \$225,000,000 are*
11 *rescinded.*

12 **(c)** *Section 8002 of title VIII of this Act shall not apply*
13 *to this section.*

14

JORDAN

15

(INCLUDING RESCISSION OF FUNDS)

16 **SEC. 1413.** *(a) For an additional amount for “Eco-*
17 *nomie Support Fund” for assistance for Jordan,*
18 *\$100,000,000, to remain available until September 30,*
19 *2009.*

20 **(b)** *For an additional amount for “Foreign Military*
21 *Financing Program” for assistance for Jordan,*
22 *\$200,000,000, to remain available until September 30,*
23 *2009.*

24 **(c)** *Of the unexpended balances of funds appropriated*
25 *under the heading “Millennium Challenge Corporation” in*
26 *prior Acts making appropriations for foreign operations,*

1 *export financing, and related programs, \$300,000,000 are*
2 *rescinded.*

3 *(d) Section 8002 of title VIII of this Act shall not*
4 *apply to this section.*

5 *ALLOCATIONS*

6 *SEC. 1414. (a) Funds provided by this chapter for the*
7 *following accounts shall be made available for programs*
8 *and countries in the amounts contained in the respective*
9 *tables included in the explanatory statement accompanying*
10 *this Act:*

11 *“Diplomatic and Consular Programs”.*

12 *“Economic Support Fund”.*

13 *(b) Any proposed increases or decreases to the amounts*
14 *contained in such tables in the statement accompanying*
15 *this Act shall be subject to the regular notification proce-*
16 *dures of the Committees on Appropriations and section*
17 *634A of the Foreign Assistance Act of 1961.*

18 *REPROGRAMMING AUTHORITY*

19 *SEC. 1415. Notwithstanding any other provision of*
20 *law, to include minimum funding requirements or funding*
21 *directives, funds made available under the headings “Devel-*
22 *opment Assistance” and “Economic Support Fund” in*
23 *prior Acts making appropriations for foreign operations,*
24 *export financing, and related programs may be made avail-*
25 *able to address critical food shortages, subject to prior con-*

1 *sultation with, and the regular notification procedures of,*
2 *the Committees on Appropriations.*

3 *SPENDING PLANS AND NOTIFICATION PROCEDURES*

4 *SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not*
5 *later than 45 days after the enactment of this Act the Sec-*
6 *retary of State shall submit to the Committees on Appro-*
7 *priations a report detailing planned expenditures for funds*
8 *appropriated under the headings in subchapter A, except*
9 *for funds appropriated under the headings “International*
10 *Disaster Assistance”, “Migration and Refugee Assistance”,*
11 *and “United States Emergency Refugee and Migration As-*
12 *sistance Fund”.*

13 *(b) SUBCHAPTER B SPENDING PLAN.—The Secretary*
14 *of State shall submit to the Committees on Appropriations*
15 *not later than November 1, 2008, and prior to the initial*
16 *obligation of funds, a detailed spending plan for funds ap-*
17 *propriated or otherwise made available in subchapter B,*
18 *except for funds appropriated under the headings “Inter-*
19 *national Disaster Assistance”, “Migration and Refugee As-*
20 *sistance”, and “United States Emergency Refugee and Mi-*
21 *gration Assistance Fund”.*

22 *(c) NOTIFICATION.—Funds made available in this*
23 *chapter shall be subject to the regular notification proce-*
24 *dures of the Committees on Appropriations and section*
25 *634A of the Foreign Assistance Act of 1961.*

1 *TERMS AND CONDITIONS*

2 *SEC. 1417. Unless otherwise provided for in this Act,*
3 *funds appropriated, or otherwise made available, by this*
4 *chapter shall be available under the authorities and condi-*
5 *tions provided in the Department of State, Foreign Oper-*
6 *ations, and Related Programs Appropriations Act, 2008*
7 *(division J of Public Law 110–161).*

8 *TITLE II*9 *DOMESTIC MATTERS*10 *CHAPTER 1*11 *DEPARTMENT OF HEALTH AND HUMAN*12 *SERVICES*13 *FOOD AND DRUG ADMINISTRATION*14 *SALARIES AND EXPENSES*

15 *For an additional amount for salaries and expenses*
16 *of the Food and Drug Administration, \$265,000,000, to re-*
17 *main available until September 30, 2009: Provided, That*
18 *of the amount provided: (1) \$119,000,000 shall be for the*
19 *Center for Food Safety and Applied Nutrition and related*
20 *field activities in the Office of Regulatory Affairs; (2)*
21 *\$48,500,000 shall be for the Center for Drug Evaluation*
22 *and Research and related field activities in the Office of*
23 *Regulatory Affairs; (3) \$23,500,000 shall be for the Center*
24 *for Biologics Evaluation and Research and related field ac-*
25 *tivities in the Office of Regulatory Affairs; (4) \$10,700,000*

1 *shall be for the Center for Veterinary Medicine and related*
2 *field activities in the Office of Regulatory Affairs; (5)*
3 *\$35,500,000 shall be for the Center for Devices and Radio-*
4 *logical Health and related field activities in the Office of*
5 *Regulatory Affairs; (6) \$6,000,000 shall be for the National*
6 *Center for Toxicological Research; and (7) \$21,800,000 shall*
7 *be for other activities, including the Office of the Commis-*
8 *sioner, the Office of Scientific and Medical Programs; the*
9 *Office of Policy, Planning and Preparedness; the Office of*
10 *International and Special Programs; the Office of Oper-*
11 *ations; and central services for these offices.*

12 *BUILDINGS AND FACILITIES*

13 *For an additional amount for plans, construction, re-*
14 *pair, improvement, extension, alteration, and purchase of*
15 *fixed equipment or facilities of or used by the Food and*
16 *Drug Administration, where not otherwise provided,*
17 *\$10,000,000, to remain available until expended.*

18 *CHAPTER 2*

19 *DEPARTMENT OF COMMERCE*

20 *BUREAU OF THE CENSUS*

21 *PERIODIC CENSUSES AND PROGRAMS*

22 *For an additional amount for “Periodic Censuses and*
23 *Programs”, \$210,000,000, to remain available until ex-*
24 *pended, for necessary expenses related to the 2010 Decennial*
25 *Census: Provided, That not less than \$3,000,000 shall be*
26 *transferred to the “Office of Inspector General” at the De-*

1 *partment of Commerce for necessary expenses associated*
2 *with oversight activities of the 2010 Decennial Census: Pro-*
3 *vided further, That \$1,000,000 shall be used only for a re-*
4 *imbursable agreement with the Defense Contract Manage-*
5 *ment Agency to provide continuing contract management*
6 *oversight of the 2010 Decennial Census.*

7 *DEPARTMENT OF JUSTICE*

8 *UNITED STATES MARSHALS SERVICE*

9 *SALARIES AND EXPENSES*

10 *For an additional amount for “Salaries and Ex-*
11 *penses”, \$50,000,000 for the United States Marshals Service*
12 *to implement and enforce the Adam Walsh Child Protection*
13 *and Safety Act (Public Law 109–248) to track down and*
14 *arrest non-compliant sex offenders.*

15 *FEDERAL PRISON SYSTEM*

16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Salaries and Ex-*
18 *penses”, \$178,000,000, to remain available until September*
19 *30, 2008.*

20 *OFFICE OF JUSTICE PROGRAMS*

21 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

22 *For an additional amount for the Edward Byrne Me-*
23 *morial Justice Assistance Grant program as authorized by*
24 *subpart 1 of part E of title I of Omnibus Crime Control*
25 *and Safe Street Act of 1968 (“1968 Act”), (except that sec-*

1 *tion 1001(c), and the special rules for Puerto Rico under*
2 *section 505(g), of the 1968 Act, shall not apply for purposes*
3 *of this Act), \$490,000,000, to remain available until Sep-*
4 *tember 30, 2008.*

5 *For an additional amount for “State and Local Law*
6 *Enforcement Assistance”, \$100,000,000 for competitive*
7 *grants to provide assistance and equipment to local law en-*
8 *forcement along the Southern border and in High-Intensity*
9 *Drug Trafficking Areas to combat criminal narcotic activ-*
10 *ity stemming from the Southern border, of which*
11 *\$10,000,000 shall be for the ATF Project Gunrunner.*

12 *SCIENCE*

13 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*

14 *RETURN TO FLIGHT*

15 *For necessary expenses, not otherwise provided for, in*
16 *carrying out return to flight activities associated with the*
17 *space shuttle and activities from which funds were trans-*
18 *ferred to accommodate return to flight activities,*
19 *\$200,000,000.*

20 *NATIONAL SCIENCE FOUNDATION*

21 *RESEARCH AND RELATED ACTIVITIES*

22 *For additional expenses in carrying out the National*
23 *Science Foundation Act of 1950, as amended (42 U.S.C.*
24 *1861–1875), \$150,000,000.*

1 *EDUCATION AND HUMAN RESOURCES*

2 *For additional expenses in carrying out science and*
3 *engineering education and human resources programs and*
4 *activities pursuant to the National Science Foundation Act*
5 *of 1950, as amended (42 U.S.C. 1861–1875), \$50,000,000.*

6 *CHAPTER 3*7 *DEPARTMENT OF ENERGY*8 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

9 *For an additional amount for “Non-Defense Environ-*
10 *mental Cleanup”, \$5,000,000, to remain available until ex-*
11 *pended.*

12 *URANIUM ENRICHMENT DECONTAMINATION AND*13 *DECOMMISSIONING FUND*

14 *For an additional amount for “Uranium Enrichment*
15 *Decontamination and Decommissioning Fund”,*
16 *\$52,000,000, to remain available until expended.*

17 *SCIENCE*

18 *For an additional amount for “Science”,*
19 *\$100,000,000, to remain available until expended.*

20 *ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES*21 *DEFENSE ENVIRONMENTAL CLEANUP*

22 *For an additional amount for “Defense Environ-*
23 *mental Cleanup”, \$243,000,000, to remain available until*
24 *expended.*

1 *GENERAL PROVISION—THIS CHAPTER*

2 *SEC. 2301. INCENTIVES FOR ADDITIONAL*
 3 *DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE*
 4 *RUSSIAN FEDERATION. The USEC Privatization Act (42*
 5 *U.S.C. 2297h et seq.) is amended—*

6 (1) *in section 3102, by striking “For purposes”*
 7 *and inserting “Except as provided in section 3112A,*
 8 *for purposes”;*

9 (2) *in section 3112(a), by striking “The Sec-*
 10 *retary” and inserting “Except as provided in section*
 11 *3112A(d), the Secretary”;* and

12 (3) *by inserting after section 3112 the following:*

13 **“SEC. 3112A. INCENTIVES FOR ADDITIONAL**
 14 **DOWNBLENDING OF HIGHLY ENRICHED URA-**
 15 **NIUM BY THE RUSSIAN FEDERATION.**

16 *“(a) DEFINITIONS.—In this section:*

17 *“(1) COMPLETION OF THE RUSSIAN HEU AGREE-*
 18 *MENT.—The term ‘completion of the Russian HEU*
 19 *Agreement’ means the importation into the United*
 20 *States from the Russian Federation pursuant to the*
 21 *Russian HEU Agreement of uranium derived from*
 22 *the downblending of not less than 500 metric tons of*
 23 *highly enriched uranium of weapons origin.*

24 *“(2) DOWNBLENDING.—The term ‘downblending’*
 25 *means processing highly enriched uranium into a*

1 *uranium product in any form in which the uranium*
2 *contains less than 20 percent uranium-235.*

3 “(3) *HIGHLY ENRICHED URANIUM.*—*The term*
4 *‘highly enriched uranium’ has the meaning given that*
5 *term in section 3102(4).*

6 “(4) *HIGHLY ENRICHED URANIUM OF WEAPONS*
7 *ORIGIN.*—*The term ‘highly enriched uranium of*
8 *weapons origin’ means highly enriched uranium*
9 *that—*

10 “(A) *contains 90 percent or more uranium-*
11 *235; and*

12 “(B) *is verified by the Secretary of Energy*
13 *to be of weapons origin.*

14 “(5) *LOW-ENRICHED URANIUM.*—*The term ‘low-*
15 *enriched uranium’ means a uranium product in any*
16 *form, including uranium hexafluoride (UF₆) and*
17 *uranium oxide (UO₂), in which the uranium contains*
18 *less than 20 percent uranium-235, without regard to*
19 *whether the uranium is incorporated into fuel rods or*
20 *complete fuel assemblies.*

21 “(6) *RUSSIAN HEU AGREEMENT.*—*The term*
22 *‘Russian HEU Agreement’ has the meaning given*
23 *that term in section 3102(11).*

24 “(7) *URANIUM-235.*—*The term ‘uranium-235’*
25 *means the isotope ²³⁵U.*

1 “(b) *STATEMENT OF POLICY.*—*It is the policy of the*
2 *United States to support the continued downblending of*
3 *highly enriched uranium of weapons origin in the Russian*
4 *Federation in order to protect the essential security interests*
5 *of the United States with respect to the nonproliferation*
6 *of nuclear weapons.*

7 “(c) *PROMOTION OF DOWNBLENDING OF RUSSIAN*
8 *HIGHLY ENRICHED URANIUM.*—

9 “(1) *INCENTIVES FOR THE COMPLETION OF THE*
10 *RUSSIAN HEU AGREEMENT.*—*Prior to the completion*
11 *of the Russian HEU Agreement, the importation into*
12 *the United States of low-enriched uranium, including*
13 *low-enriched uranium obtained under contracts for*
14 *separative work units, that is produced in the Rus-*
15 *sian Federation and is not imported pursuant to the*
16 *Russian HEU Agreement may not exceed the fol-*
17 *lowing amounts:*

18 “(A) *In each of the calendar years 2008 and*
19 *2009, not more than 22,500 kilograms.*

20 “(B) *In each of the calendar years 2010*
21 *and 2011, not more than 45,000 kilograms.*

22 “(C) *In calendar year 2012 and each cal-*
23 *endar year thereafter through the calendar year*
24 *of the completion of the Russian HEU Agree-*
25 *ment, not more than 67,500 kilograms.*

1 “(2) *INCENTIVES TO CONTINUE DOWNBLENDING*
2 *RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE*
3 *COMPLETION OF THE RUSSIAN HEU AGREEMENT.—*

4 “(A) *IN GENERAL.—In each calendar year*
5 *beginning after the calendar year of the comple-*
6 *tion of the Russian HEU Agreement and before*
7 *the termination date described in paragraph (8),*
8 *the importation into the United States of low-en-*
9 *riched uranium, including low-enriched ura-*
10 *nium obtained under contracts for separative*
11 *work units, that is produced in the Russian Fed-*
12 *eration, whether or not such low-enriched ura-*
13 *nium is derived from highly enriched uranium*
14 *of weapons origin, may not exceed 400,000 kilo-*
15 *grams.*

16 “(B) *ADDITIONAL IMPORTS.—*

17 “(i) *IN GENERAL.—In addition to the*
18 *amount authorized to be imported under*
19 *subparagraph (A) and except as provided in*
20 *clause (ii), 20 kilograms of low-enriched*
21 *uranium, whether or not such low-enriched*
22 *uranium is derived from highly enriched*
23 *uranium of weapons origin, may be im-*
24 *ported for every 3 kilograms of Russian*
25 *highly enriched uranium of weapons origin*

1 *that was downblended in the preceding cal-*
2 *endar year, subject to the verification of the*
3 *Secretary of Energy under paragraph (10).*

4 “(i) *MAXIMUM ANNUAL IMPORTS.—*
5 *Not more than 200,000 kilograms of low-en-*
6 *riched uranium may be imported in a cal-*
7 *endar year under clause (i).*

8 “(3) *EXCEPTION WITH RESPECT TO INITIAL*
9 *CORES.—The import limitations described in para-*
10 *graphs (1) and (2) shall not apply to low-enriched*
11 *uranium produced in the Russian Federation that is*
12 *imported into the United States for use in the initial*
13 *core of a new nuclear reactor.*

14 “(4) *ANNUAL ADJUSTMENT.—*

15 “(A) *IN GENERAL.—Beginning in the sec-*
16 *ond calendar year after the calendar year of the*
17 *completion of the Russian HEU Agreement, the*
18 *Secretary of Energy shall increase or decrease*
19 *the amount of low-enriched uranium that may*
20 *be imported in a calendar year under paragraph*
21 *(2) (including the amount of low-enriched ura-*
22 *nium that may be imported for each kilogram of*
23 *highly enriched uranium downblended under*
24 *paragraph (2)(B)(i)) by a percentage equal to*
25 *the percentage increase or decrease, as the case*

1 *may be, in the average amount of uranium load-*
2 *ed into nuclear power reactors in the United*
3 *States in the most recent 3-calendar-year period*
4 *for which data are available, as reported by the*
5 *Energy Information Administration of the De-*
6 *partment of Energy, compared to the average*
7 *amount of uranium loaded into such reactors*
8 *during the 3-calendar-year period beginning on*
9 *January 1, 2011, as reported by the Energy In-*
10 *formation Administration.*

11 “(B) *PUBLICATION OF ADJUSTMENTS.*—As
12 *soon as practicable, but not later than July 31*
13 *of each calendar year, the Secretary of Energy*
14 *shall publish in the Federal Register the amount*
15 *of low-enriched uranium that may be imported*
16 *in the current calendar year after the adjustment*
17 *under subparagraph (A).*

18 “(5) *AUTHORITY FOR ADDITIONAL ADJUST-*
19 *MENT.*—In addition to the annual adjustment under
20 *paragraph (4), the Secretary of Commerce may adjust*
21 *the import limitations under paragraph (2)(A) for a*
22 *calendar year if the Secretary—*

23 “(A) *in consultation with the Secretary of*
24 *Energy, determines that the available supply of*
25 *low-enriched uranium from the Russian Federa-*

1 *tion and the available stockpiles of uranium of*
2 *the Department of Energy are insufficient to*
3 *meet demand in the United States in the fol-*
4 *lowing calendar year; and*

5 *“(B) notifies Congress of the adjustment not*
6 *less than 45 days before making the adjustment.*

7 *“(6) EQUIVALENT QUANTITIES OF LOW-EN-*
8 *RICHEd URANIUM IMPORTS.—*

9 *“(A) IN GENERAL.—The import limitations*
10 *described in paragraphs (1) and (2) are ex-*
11 *pressed in terms of uranium containing 4.4 per-*
12 *cent uranium-235 and a tails assay of 0.3 per-*
13 *cent.*

14 *“(B) ADJUSTMENT FOR OTHER URANIUM.—*
15 *Imports of low-enriched uranium under para-*
16 *graphs (1) and (2) shall count against the im-*
17 *port limitations described in such paragraphs in*
18 *amounts calculated as the quantity of low-en-*
19 *riched uranium containing 4.4 percent uranium-*
20 *235 necessary to equal the total amount of ura-*
21 *ni-um-235 contained in such imports.*

22 *“(7) DOWNBLENDING OF OTHER HIGHLY EN-*
23 *RICHEd URANIUM.—*

24 *“(A) IN GENERAL.—The downblending of*
25 *highly enriched uranium not of weapons origin*

1 *may be counted for purposes of paragraph (2)(B)*
2 *or (8)(B), subject to verification under para-*
3 *graph (10), if the Secretary of Energy deter-*
4 *mines that the highly enriched uranium to be*
5 *downblended poses a risk to the national security*
6 *of the United States.*

7 “(B) *EQUIVALENT QUANTITIES OF HIGHLY*
8 *ENRICHED URANIUM.—For purposes of deter-*
9 *mining the additional low-enriched uranium im-*
10 *ports allowed under paragraph (2)(B) and for*
11 *purposes of paragraph (8)(B), highly enriched*
12 *uranium not of weapons origin downblended*
13 *pursuant to subparagraph (A) shall count as*
14 *downblended highly enriched uranium of weap-*
15 *ons origin in amounts calculated as the quantity*
16 *of highly enriched uranium containing 90 per-*
17 *cent uranium-235 necessary to equal the total*
18 *amount of uranium-235 contained in the highly*
19 *enriched uranium not of weapons origin*
20 *downblended pursuant to subparagraph (A).*

21 “(8) *TERMINATION OF IMPORT RESTRICTIONS*
22 *AFTER DOWNBLENDING OF AN ADDITIONAL 300 MET-*
23 *RIC TONS OF HIGHLY ENRICHED URANIUM.—The pro-*
24 *visions of this subsection shall terminate on the later*
25 *of—*

1 “(A) *December 31, 2020; or*

2 “(B) *the date on which the Secretary of En-*
3 *ergy certifies to Congress that, after the comple-*
4 *tion of the Russian HEU Agreement, not less*
5 *than an additional 300 metric tons of Russian*
6 *highly enriched uranium of weapons origin have*
7 *been downblended.*

8 “(9) *SPECIAL RULE IF IMPORTATION UNDER*
9 *RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Not-*
10 *withstanding any other provision of law, no low-en-*
11 *riched uranium produced in the Russian Federation*
12 *that is not derived from highly enriched uranium of*
13 *weapons origin, including low-enriched uranium ob-*
14 *tained under contracts for separative work units, may*
15 *be imported into the United States if, before the com-*
16 *pletion of the Russian HEU Agreement, the Secretary*
17 *of Energy determines that the Russian Federation has*
18 *taken deliberate action to disrupt or halt the importa-*
19 *tion into the United States of low-enriched uranium*
20 *under the Russian HEU Agreement.*

21 “(10) *TECHNICAL VERIFICATIONS BY SECRETARY*
22 *OF ENERGY.—*

23 “(A) *IN GENERAL.—The Secretary of En-*
24 *ergy shall verify the origin, quantity, and ura-*
25 *anium-235 content of the highly enriched ura-*

1 *niium downblended for purposes of paragraphs*
2 *(2)(B), (7), and (8)(B).*

3 “(B) *METHODS OF VERIFICATION.*—*In con-*
4 *ducting the verification required under subpara-*
5 *graph (A), the Secretary of Energy shall employ*
6 *the transparency measures provided for in the*
7 *Russian HEU Agreement for monitoring the*
8 *downblending of Russian highly enriched ura-*
9 *niium of weapons origin and such other methods*
10 *as the Secretary determines appropriate.*

11 “(11) *ENFORCEMENT OF IMPORT LIMITATIONS.*—
12 *The Secretary of Commerce shall be responsible for*
13 *enforcing the import limitations imposed under this*
14 *subsection and shall enforce such import limitations*
15 *in a manner that imposes a minimal burden on the*
16 *commercial nuclear industry.*

17 “(12) *EFFECT ON OTHER AGREEMENTS.*—

18 “(A) *RUSSIAN HEU AGREEMENT.*—*Nothing*
19 *in this section shall be construed to modify the*
20 *terms of the Russian HEU Agreement, including*
21 *the provisions of the Agreement relating to the*
22 *amount of low-enriched uranium that may be*
23 *imported into the United States.*

24 “(B) *OTHER AGREEMENTS.*—*If a provision*
25 *of any agreement between the United States and*

1 *Expenses” account of the Small Business Administration,*
2 *for grants in the amount of \$200,000 to veterans business*
3 *resource centers that received grants from the National Vet-*
4 *erans Business Development Corporation in fiscal years*
5 *2006 and 2007.*

6 *CHAPTER 5*

7 *GENERAL PROVISION—THIS CHAPTER*

8 *SEC. 2501. For fiscal year 2008, there is appropriated*
9 *\$400,000,000, to remain available until December 31, 2008,*
10 *for payments described in sections 101, 102(b)(3), and*
11 *103(b)(2) of the Secure Rural Schools and Community Self-*
12 *Determination Act of 2000 (Public Law 106–393).*

13 *CHAPTER 6*

14 *DEPARTMENT OF LABOR*

15 *EMPLOYMENT AND TRAINING ADMINISTRATION*

16 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

17 *SERVICE OPERATIONS*

18 *For an additional amount for “State Unemployment*
19 *Insurance and Employment Service Operations” for grants*
20 *to the States for the administration of State unemployment*
21 *insurance, \$110,000,000, which may be expended from the*
22 *Employment Security Administration Account in the Un-*
23 *employment Trust Fund, to be used for unemployment in-*
24 *surance workloads experienced by the States through Sep-*

1 *tember 30, 2008, which shall be available for Federal obliga-*
 2 *tion through December 31, 2008.*

3 *DEPARTMENT OF HEALTH AND HUMAN*

4 *SERVICES*

5 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

6 *DISEASE CONTROL, RESEARCH, AND TRAINING*

7 *For an additional amount for “Disease Control, Re-*
 8 *search, and Training”, \$26,000,000, for the prevention of*
 9 *and response to medical errors including research, edu-*
 10 *cation and outreach activities; of which no less than*
 11 *\$5,000,000 shall be for responding to outbreaks of commu-*
 12 *nicable diseases related to the re-use of syringes in out-*
 13 *patient clinics, including reimbursement of local health de-*
 14 *partments for testing and genetic sequencing of persons po-*
 15 *tentially exposed.*

16 *NATIONAL INSTITUTES OF HEALTH*

17 *OFFICE OF THE DIRECTOR*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For an additional amount for “Office of the Director,*
 20 *National Institutes of Health”, \$400,000,000.*

21 *GENERAL PROVISIONS—THIS CHAPTER*

22 *SEC. 2601. In addition to amounts otherwise made*
 23 *available for fiscal year 2008, there are appropriated, out*
 24 *of any money in the Treasury not otherwise appropriated,*
 25 *\$1,000,000,000 for fiscal year 2008, for making payments*

1 *under the Low-Income Home Energy Assistance Act of 1981*
2 *(42 U.S.C. 8623).*

3 *SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE*
4 *MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section*
5 *8104 of the U.S. Troop Readiness, Veterans’ Care,*
6 *Katrina Recovery, and Iraq Accountability Appropriations*
7 *Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended*
8 *to read as follows:*

9 **“SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE**
10 **MINIMUM WAGE INCREASES.**

11 “(a) *STUDY.—Beginning on the date that is 60 days*
12 *after the date of enactment of this Act, and every year there-*
13 *after until the minimum wage in the respective territory*
14 *is \$7.25 per hour, the Government Accountability Office*
15 *shall conduct a study to—*

16 “(1) *assess the impact of the minimum wage in-*
17 *creases that occurred in American Samoa and the*
18 *Commonwealth of the Northern Mariana Islands in*
19 *2007 and 2008, as required under Public Law 110–*
20 *28, on the rates of employment and the living stand-*
21 *ards of workers, with full consideration of the other*
22 *factors that impact rates of employment and the liv-*
23 *ing standards of workers such as inflation in the cost*
24 *of food, energy, and other commodities; and*

1 “(2) estimate the impact of any further wage in-
2 creases on rates of employment and the living stand-
3 ards of workers in American Samoa and the Com-
4 monwealth of the Northern Mariana Islands, with full
5 consideration of the other factors that may impact the
6 rates of employment and the living standards of
7 workers, including assessing how the profitability of
8 major private sector firms may be impacted by wage
9 increases in comparison to other factors such as en-
10 ergy costs and the value of tax benefits.

11 “(b) *REPORT.*—No earlier than March 15, 2009, and
12 not later than April 15, 2009, the Government Account-
13 ability Office shall transmit its first report to Congress con-
14 cerning the findings of the study required under subsection
15 (a). The Government Accountability Office shall transmit
16 any subsequent reports to Congress concerning the findings
17 of a study required by subsection (a) between March 15 and
18 April 15 of each year.

19 “(c) *ECONOMIC INFORMATION.*—To provide sufficient
20 economic data for the conduct of the study under subsection
21 (a)—

22 “(1) the Department of Labor shall include and
23 separately report on American Samoa and the Com-
24 monwealth of the Northern Mariana Islands in its
25 household surveys and establishment surveys;

1 “(2) *the Bureau of Economic Analysis of the De-*
2 *partment of Commerce shall include and separately*
3 *report on American Samoa and the Commonwealth of*
4 *the Northern Mariana Islands in its gross domestic*
5 *product data; and*

6 “(3) *the Bureau of the Census of the Department*
7 *of Commerce shall include and separately report on*
8 *American Samoa and the Commonwealth of the*
9 *Northern Mariana Islands in its population estimates*
10 *and demographic profiles from the American Commu-*
11 *nity Survey,*

12 *with the same regularity and to the same extent as the De-*
13 *partment or each Bureau collects and reports such data for*
14 *the 50 States. In the event that the inclusion of American*
15 *Samoa and the Commonwealth of the Northern Mariana*
16 *Islands in such surveys and data compilations requires*
17 *time to structure and implement, the Department of Labor,*
18 *the Bureau of Economic Analysis, and the Bureau of the*
19 *Census (as the case may be) shall in the interim annually*
20 *report the best available data that can feasibly be secured*
21 *with respect to such territories. Such interim reports shall*
22 *describe the steps the Department or the respective Bureau*
23 *will take to improve future data collection in the territories*
24 *to achieve comparability with the data collected in the*
25 *United States. The Department of Labor, the Bureau of*

1 *Economic Analysis, and the Bureau of the Census, together*
2 *with the Department of the Interior, shall coordinate their*
3 *efforts to achieve such improvements.”.*

4 (b) *EFFECTIVE DATE.*—*The amendment made by this*
5 *section shall take effect on the date of enactment of this Act.*

6 *CHAPTER 7*

7 *RELATED AGENCY*

8 *AMERICAN BATTLE MONUMENTS COMMISSION*

9 *FOREIGN CURRENCY FLUCTUATIONS ACCOUNT*

10 *For an additional amount for “Foreign Currency*
11 *Fluctuations Account”, \$10,000,000, to remain available*
12 *until expended, for purposes authorized by section 2109 of*
13 *title 36, United States Code.*

14 *TITLE III*

15 *HURRICANES KATRINA AND RITA, AND OTHER*

16 *NATURAL DISASTERS*

17 *CHAPTER 1*

18 *DEPARTMENT OF AGRICULTURE*

19 *FARM SERVICE AGENCY*

20 *EMERGENCY CONSERVATION PROGRAM*

21 *For the purposes of carrying out the Emergency Con-*
22 *servation Program, there is hereby appropriated*
23 *\$49,413,000, to remain available until expended.*

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CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), \$75,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities” for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, \$75,000,000.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, \$75,000,000: Provided, That the amount made available under this heading shall be for local law

1 *enforcement initiatives in the Gulf Coast region related to*
2 *the aftermath of Hurricane Katrina.*

3 *CHAPTER 3*
4 *DEPARTMENT OF DEFENSE—CIVIL*
5 *DEPARTMENT OF THE ARMY*
6 *CORPS OF ENGINEERS—CIVIL*
7 *CONSTRUCTION*

8 *For an additional amount for “Construction” for nec-*
9 *essary expenses related to the consequences of Hurricane*
10 *Katrina and other hurricanes of the 2005 season, and for*
11 *recovery from other natural disasters \$5,033,345,000, to re-*
12 *main available until expended: Provided, That the Sec-*
13 *retary of the Army is directed to use \$4,362,000,000 of the*
14 *funds appropriated under this heading to modify author-*
15 *ized projects in southeast Louisiana to provide hurricane*
16 *and storm damage reduction and flood damage reduction*
17 *in the greater New Orleans and surrounding areas to pro-*
18 *vide the levels of protection necessary to achieve the certifi-*
19 *cation required for participation in the National Flood In-*
20 *surance Program under the base flood elevations current at*
21 *the time of this construction; \$1,657,000,000 shall be used*
22 *for the Lake Pontchartrain and Vicinity; \$1,415,000,000*
23 *shall be used for the West Bank and Vicinity project; and*
24 *\$1,290,000,000 shall be for elements of the Southeast Lou-*
25 *isiana Urban Drainage project, that are within the geo-*

1 *graphic perimeter of the West Bank and Vicinity and Lake*
2 *Pontchartrain and Vicinity projects to provide for interior*
3 *drainage of runoff from rainfall with a 10 percent annual*
4 *exceedance probability: Provided further, That none of this*
5 *\$4,362,000,000 shall become available for obligation until*
6 *October 1, 2008: Provided further, That non-Federal cost*
7 *allocations for these projects shall be consistent with the*
8 *cost-sharing provisions under which the projects were origi-*
9 *nally constructed: Provided further, That the*
10 *\$1,315,000,000 non-Federal cost share for these projects*
11 *shall be repaid in accordance with provisions of section*
12 *103(k) of Public Law 99–662 over a period of 30 years:*
13 *Provided further, That the expenditure of funds as provided*
14 *above may be made without regard to individual amounts*
15 *or purposes except that any reallocation of funds that are*
16 *necessary to accomplish the established goals are authorized,*
17 *subject to the approval of the House and Senate Committees*
18 *on Appropriations: Provided further, That the Secretary of*
19 *the Army is directed to use \$604,745,000 of the funds ap-*
20 *propriated under this heading to provide hurricane and*
21 *storm damage reduction, flood damage reduction and eco-*
22 *system restoration along the Gulf Coast of Mississippi and*
23 *surrounding areas generally as described in the Mobile Dis-*
24 *trict Engineer’s Mississippi Coastal Improvements Pro-*
25 *gram Comprehensive Plan Report; \$173,615,000 shall be*

1 *used for ecosystem restoration projects; \$4,550,000 shall be*
2 *used for the Moss Point Municipal Relocation project;*
3 *\$5,000,000 shall be used for the Waveland Floodproofing*
4 *project; \$150,000 shall be used for the Mississippi Sound*
5 *Sub Aquatic Vegetation project; \$15,430,000 shall be used*
6 *for the Coast-wide Dune Restoration project; \$397,000,000*
7 *shall be used for the Homeowners Assistance and Relocation*
8 *project; and \$9,000,000 shall be used for the Forrest Heights*
9 *Hurricane and Storm Damage Reduction project: Provided*
10 *further, That none of this \$604,745,000 shall become avail-*
11 *able for obligation until October 1, 2008: Provided further,*
12 *That these projects shall be initiated only after non-Federal*
13 *interests have entered into binding agreements with the Sec-*
14 *retary requiring the non-Federal interests to pay 100 per-*
15 *cent of the operation, maintenance, repair, replacement,*
16 *and rehabilitation costs of the project and to hold and save*
17 *the United States free from damages due to the construction*
18 *or operation and maintenance of the project, except for*
19 *damages due to the fault or negligence of the United States*
20 *or its contractors: Provided further, That the \$211,661,000*
21 *non-Federal cost share for these projects shall be repaid in*
22 *accordance with the provisions of section 103(k) of Public*
23 *Law 99–662 over a period of 30 years: Provided further,*
24 *That the expenditure of funds as provided above may be*
25 *made without regard to individual amounts or purposes ex-*

1 *cept that any reallocation of funds that are necessary to*
2 *accomplish the established goals are authorized, subject to*
3 *the approval of the House and Senate Committees on Ap-*
4 *propriations: Provided further, That the Secretary of the*
5 *Army is directed to use \$66,600,000 of the funds appro-*
6 *priated under this heading to address emergency situations*
7 *at Corps of Engineers projects and rehabilitate and repair*
8 *damages to Corps projects caused by recent natural disas-*
9 *ters: Provided further, That the Chief of Engineers, acting*
10 *through the Assistant Secretary of the Army for Civil*
11 *Works, shall provide a monthly report to the House and*
12 *Senate Committees on Appropriations detailing the alloca-*
13 *tion and obligation of these funds, beginning not later than*
14 *60 days after enactment of this Act.*

15 *MISSISSIPPI RIVER AND TRIBUTARIES*

16 *For an additional amount for “Mississippi River and*
17 *Tributaries” for recovery from natural disasters,*
18 *\$17,700,000, to remain available until expended to repair*
19 *damages to Federal projects caused by recent natural disas-*
20 *ters.*

21 *OPERATIONS AND MAINTENANCE*

22 *For an additional amount for “Operations and Main-*
23 *tenance” to dredge navigation channels and repair other*
24 *Corps projects related to natural disasters, \$338,800,000,*
25 *to remain available until expended: Provided, That the*
26 *Chief of Engineers, acting through the Assistant Secretary*

1 *of the Army for Civil Works, shall provide a monthly report*
2 *to the House and Senate Committees on Appropriations de-*
3 *tailing the allocation and obligation of these funds, begin-*
4 *ning not later than 60 days after enactment of this Act.*

5 *FLOOD CONTROL AND COASTAL EMERGENCIES*

6 *For an additional amount for “Flood Control and*
7 *Coastal Emergencies”, as authorized by section 5 of the Act*
8 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
9 *relating to the consequences of Hurricane Katrina and other*
10 *hurricanes, and for recovery from other natural disasters,*
11 *\$3,368,400,000, to remain available until expended: Pro-*
12 *vided, That the Secretary of the Army is directed to use*
13 *\$2,926,000,000 of the funds appropriated under this head-*
14 *ing to modify, at full Federal expense, authorized projects*
15 *in southeast Louisiana to provide hurricane and storm*
16 *damage reduction and flood damage reduction in the great-*
17 *er New Orleans and surrounding areas; \$704,000,000 shall*
18 *be used to modify the 17th Street, Orleans Avenue, and Lon-*
19 *don Avenue drainage canals and install pumps and closure*
20 *structures at or near the lakefront; \$90,000,000 shall be used*
21 *for storm-proofing interior pump stations to ensure the*
22 *operability of the stations during hurricanes, storms, and*
23 *high water events; \$459,000,000 shall be used for armoring*
24 *critical elements of the New Orleans hurricane and storm*
25 *damage reduction system; \$53,000,000 shall be used to im-*
26 *prove protection at the Inner Harbor Navigation Canal;*

1 \$456,000,000 shall be used to replace or modify certain non-
2 Federal levees in Plaquemines Parish to incorporate the lev-
3 ees into the existing New Orleans to Venice hurricane pro-
4 tection project; \$412,000,000 shall be used for reinforcing
5 or replacing flood walls, as necessary, in the existing Lake
6 Pontchartrain and Vicinity project and the existing West
7 Bank and Vicinity project to improve the performance of
8 the systems; \$393,000,000 shall be used for repair and res-
9 toration of authorized protections and floodwalls;
10 \$359,000,000 shall be to complete the authorized protection
11 for the Lake Ponchartrain and Vicinity Project and for the
12 West Bank and Vicinity Project: Provided further, That
13 none of this \$2,926,000,000 shall become available for obli-
14 gation until October 1, 2008: Provided further, That any
15 project using funds appropriated under this heading shall
16 be initiated only after non-Federal interests have entered
17 into binding agreements with the Secretary requiring the
18 non-Federal interests to pay 100 percent of the operation,
19 maintenance, repair, replacement, and rehabilitation costs
20 of the project and to hold and save the United States free
21 from damages due to the construction or operation and
22 maintenance of the project, except for damages due to the
23 fault or negligence of the United States or its contractors:
24 Provided further, That the Secretary of the Army, within
25 available funds, is directed to continue the NEPA alter-

1 *native evaluation of all options with particular attention*
2 *to Options 1, 2 and 2a of the report to Congress, dated Au-*
3 *gust 30, 2007, provided in response to the requirements of*
4 *chapter 3, section 4303 of Public Law 110–28, and within*
5 *90 days of enactment of this Act provide the House and*
6 *Senate Committees on Appropriations cost estimates to im-*
7 *plement Options 1, 2 and 2a of the above cited report: Pro-*
8 *vided further, That the expenditure of funds as provided*
9 *above may be made without regard to individual amounts*
10 *or purposes except that any reallocation of funds that are*
11 *necessary to accomplish the established goals are authorized,*
12 *subject to the approval of the House and Senate Committees*
13 *on Appropriations: Provided further, That \$348,000,000 of*
14 *the amount provided under this heading shall be used for*
15 *barrier island restoration and ecosystem restoration to re-*
16 *store historic levels of storm damage reduction to the Mis-*
17 *sissippi Gulf Coast: Provided further, That none of this*
18 *\$348,000,000 shall become available for obligation until Oc-*
19 *tober 1, 2008: Provided further, That this work shall be car-*
20 *ried out at full Federal expense: Provided further, That the*
21 *Secretary of the Army is directed to use \$94,400,000 of the*
22 *funds appropriated under this heading to support emer-*
23 *gency operations, to repair eligible projects nationwide, and*
24 *for other activities in response to recent natural disasters:*
25 *Provided further, That the Chief of Engineers, acting*

1 *through the Assistant Secretary of the Army for Civil*
2 *Works, shall provide a monthly report to the House and*
3 *Senate Committees on Appropriations detailing the alloca-*
4 *tion and obligation of these funds, beginning not later than*
5 *60 days after enactment of this Act.*

6 *GENERAL EXPENSES*

7 *For an additional amount for “General Expenses” for*
8 *increased efforts by the Mississippi Valley Division to over-*
9 *see emergency response and recovery activities related to the*
10 *consequences of hurricanes in the Gulf of Mexico in 2005,*
11 *\$1,500,000, to remain available until expended.*

12 *CHAPTER 4*

13 *GENERAL PROVISIONS—THIS CHAPTER*

14 *SEC. 3401. Notwithstanding any other provision of*
15 *law, and not later than 30 days after the date of submission*
16 *of a request for a single payment, the Federal Emergency*
17 *Management Agency shall provide a single payment for any*
18 *eligible costs under section 406 of the Robert T. Stafford*
19 *Disaster Relief and Emergency Assistance Act for any po-*
20 *lice station, fire station, or criminal justice facility that*
21 *was damaged by Hurricane Katrina of 2005 or Hurricane*
22 *Rita of 2005: Provided, That nothing in this section may*
23 *be construed to alter the appeal or review process relating*
24 *to assistance provided under section 406 of the Robert T.*
25 *Stafford Disaster Relief and Emergency Assistance Act:*
26 *Provided further, That the Federal Emergency Management*

1 *Agency shall not reduce the amount of assistance provided*
2 *under section 406(c)(1) of the Robert T. Stafford Disaster*
3 *Relief and Emergency Assistance Act for such facilities.*

4 *SEC. 3402. Until such time as the updating of flood*
5 *insurance rate maps under section 19 of the Flood Mod-*
6 *ernization Act of 2007 is completed (as determined by the*
7 *district engineer) for all areas located in the St. Louis Dis-*
8 *trict of the Mississippi Valley Division of the Corps of Engi-*
9 *neers, the Administrator of the Federal Emergency Manage-*
10 *ment Agency shall not adjust the chargeable premium rate*
11 *for flood insurance under this section for any type or class*
12 *of property located in an area in that District nor require*
13 *the purchase of flood insurance for any type or class of*
14 *property located in an area in that District not subject to*
15 *such purchase requirement prior to the updating of such*
16 *national flood insurance program rate map: Provided, That*
17 *for purposes of this section, the term “area” does not include*
18 *any area (or subdivision thereof) that has chosen not to par-*
19 *ticipate in the flood insurance program under this section*
20 *as of the date of enactment of this Act.*

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CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Wildland Fire Management”, \$125,000,000, to remain available until expended, of which \$100,000,000 is for emergency wildland fire suppression activities, and of which \$25,000,000 is for rehabilitation and restoration of Federal lands: Provided, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund”, for expenses related to the consequences of Hurricane Katrina, \$15,000,000, to remain available until expended: Provided, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

1 *ENVIRONMENTAL PROTECTION AGENCY*2 *STATE AND TRIBAL ASSISTANCE GRANTS*

3 *For an additional amount for “State and Tribal As-*
4 *sistance Grants”, for expenses related to the consequences*
5 *of Hurricane Katrina, \$5,000,000, to remain available*
6 *until expended, for a grant to Cameron Parish, Louisiana,*
7 *for construction of drinking water, wastewater and storm*
8 *water infrastructure and for water quality protection: Pro-*
9 *vided, That for purposes of this grant, the grantee shall con-*
10 *tribute not less than 45 percent of the cost of the project*
11 *unless the grantee is approved for a waiver by the Agency.*

12 *DEPARTMENT OF AGRICULTURE*13 *FOREST SERVICE*14 *WILDLAND FIRE MANAGEMENT*15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For an additional amount for “Wildland Fire Man-*
17 *agement”, \$325,000,000, to remain available until ex-*
18 *pended, of which \$250,000,000 shall be available for emer-*
19 *gency wildfire suppression, and of which \$75,000,000 shall*
20 *be available for rehabilitation and restoration of Federal*
21 *lands and may be transferred to other Forest Service ac-*
22 *counts as necessary: Provided, That emergency wildfire sup-*
23 *pression funds are also available for repayment to other ap-*
24 *propriations accounts from which funds were transferred*
25 *for wildfire suppression.*

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CHAPTER 6

*DEPARTMENT OF HEALTH AND HUMAN
SERVICES*

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, \$350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for “Military Construction, Army National Guard”, \$11,503,000, to remain available until September 30, 2012: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds appropriated for “Military Construction, Army National Guard” under Public Law 109–234, \$7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), \$10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

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CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, \$451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, \$73,000,000 to remain available until expended, of which not less than \$20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than \$50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than \$3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: Provided, That the Sec-

1 *retary of Housing and Urban Development shall, upon re-*
2 *quest, make funds available under this paragraph to the*
3 *State of Louisiana or its designee or designees: Provided*
4 *further, That notwithstanding any other provision of law,*
5 *for the purpose of administering the amounts provided*
6 *under this paragraph, the State of Louisiana or its designee*
7 *or designees may act in all respects as a public housing*
8 *agency as defined in section 3(b)(6) of the United States*
9 *Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): Provided fur-*
10 *ther, That subparagraphs (B) and (D) of section 8(o)(13)*
11 *of the United States Housing Act of 1937 (42 U.S.C.*
12 *1437f(o)(13)) shall not apply with respect to vouchers made*
13 *available under this paragraph.*

14 *PROJECT-BASED RENTAL ASSISTANCE*

15 *For an additional amount to areas impacted by Hur-*
16 *ricane Katrina in the State of Mississippi for project-based*
17 *vouchers under section 8(o)(13) of the United States Hous-*
18 *ing Act of 1937 (42 U.S.C. 1437f(o)13)), \$20,000,000, to*
19 *remain available until expended.*

20 *HOUSING TRANSITION ASSISTANCE*

21 *For an additional amount to the State of Louisiana*
22 *for case management and housing transition services for*
23 *families in areas impacted by Hurricanes Katrina and*
24 *Rita of 2005, \$3,000,000, to remain available until ex-*
25 *pended.*

1 *that such waiver would not be inconsistent with the overall*
2 *purpose of the statute: Provided further, That the Secretary*
3 *may waive the requirement that activities benefit persons*
4 *of low and moderate income, except that at least 50 percent*
5 *of the funds made available under this heading must benefit*
6 *primarily persons of low and moderate income unless the*
7 *Secretary otherwise makes a finding of compelling need:*
8 *Provided further, That the Secretary shall publish in the*
9 *Federal Register any waiver of any statute or regulation*
10 *that the Secretary administers pursuant to title I of the*
11 *Housing and Community Development Act of 1974 no later*
12 *than 5 days before the effective date of such waiver.*

13 *(RESCISSION)*

14 *Of the unobligated balances remaining from funds ap-*
15 *propriated under this heading by section 159 of Public Law*
16 *110–116 for the Louisiana Road Home program,*
17 *\$200,000,000 are rescinded.*

18 ***TITLE IV—VETERANS***
19 ***EDUCATIONAL ASSISTANCE***

20 ***SEC. 4001. SHORT TITLE.***

21 *This title may be cited as the “Post-9/11 Veterans Edu-*
22 *cational Assistance Act of 2008”.*

23 ***SEC. 4002. FINDINGS.***

24 *Congress makes the following findings:*

25 *(1) On September 11, 2001, terrorists attacked*
26 *the United States, and the brave members of the*

1 *Armed Forces of the United States were called to the*
2 *defense of the Nation.*

3 (2) *Service on active duty in the Armed Forces*
4 *has been especially arduous for the members of the*
5 *Armed Forces since September 11, 2001.*

6 (3) *The United States has a proud history of of-*
7 *fering educational assistance to millions of veterans,*
8 *as demonstrated by the many “G.I. Bills” enacted*
9 *since World War II. Educational assistance for vet-*
10 *erans helps reduce the costs of war, assist veterans in*
11 *readjusting to civilian life after wartime service, and*
12 *boost the United States economy, and has a positive*
13 *effect on recruitment for the Armed Forces.*

14 (4) *The current educational assistance program*
15 *for veterans is outmoded and designed for peacetime*
16 *service in the Armed Forces.*

17 (5) *The people of the United States greatly value*
18 *military service and recognize the difficult challenges*
19 *involved in readjusting to civilian life after wartime*
20 *service in the Armed Forces.*

21 (6) *It is in the national interest for the United*
22 *States to provide veterans who serve on active duty*
23 *in the Armed Forces after September 11, 2001, with*
24 *enhanced educational assistance benefits that are wor-*
25 *thy of such service and are commensurate with the*

1 *educational assistance benefits provided by a grateful*
 2 *Nation to veterans of World War II.*

3 **SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF**
 4 **THE ARMED FORCES WHO SERVE AFTER SEP-**
 5 **TEMBER 11, 2001.**

6 *(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—*

7 *(1) IN GENERAL.—Part III of title 38, United*
 8 *States Code, is amended by inserting after chapter 32*
 9 *the following new chapter:*

10 **“CHAPTER 33—POST-9/11 EDUCATIONAL**
 11 **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.*

12 **“SUBCHAPTER I—DEFINITIONS**

13 **“§ 3301. Definitions**

14 *“In this chapter:*

1 “(1) *The term ‘active duty’ has the meanings as*
2 *follows (subject to the limitations specified in sections*
3 *3002(6) and 3311(b) of this title):*

4 “(A) *In the case of members of the regular*
5 *components of the Armed Forces, the meaning*
6 *given such term in section 101(21)(A) of this*
7 *title.*

8 “(B) *In the case of members of the reserve*
9 *components of the Armed Forces, service on ac-*
10 *tive duty under a call or order to active duty*
11 *under section 688, 12301(a), 12301(d), 12301(g),*
12 *12302, or 12304 of title 10.*

13 “(2) *The term ‘entry level and skill training’*
14 *means the following:*

15 “(A) *In the case of members of the Army,*
16 *Basic Combat Training and Advanced Indi-*
17 *vidual Training.*

18 “(B) *In the case of members of the Navy,*
19 *Recruit Training (or Boot Camp) and Skill*
20 *Training (or so-called ‘A’ School).*

21 “(C) *In the case of members of the Air*
22 *Force, Basic Military Training and Technical*
23 *Training.*

1 “(D) *In the case of members of the Marine*
2 *Corps, Recruit Training and Marine Corps*
3 *Training (or School of Infantry Training).*

4 “(E) *In the case of members of the Coast*
5 *Guard, Basic Training.*

6 “(3) *The term ‘program of education’ has the*
7 *meaning the meaning given such term in section 3002*
8 *of this title, except to the extent otherwise provided in*
9 *section 3313 of this title.*

10 “(4) *The term ‘Secretary of Defense’ has the*
11 *meaning given such term in section 3002 of this title.*

12 “**SUBCHAPTER II—EDUCATIONAL ASSISTANCE**
13 “**§ 3311. Educational assistance for service in the**
14 **Armed Forces commencing on or after**
15 **September 11, 2001: entitlement**

16 “(a) **ENTITLEMENT.**—*Subject to subsections (d) and*
17 *(e), each individual described in subsection (b) is entitled*
18 *to educational assistance under this chapter.*

19 “(b) **COVERED INDIVIDUALS.**—*An individual described*
20 *in this subsection is any individual as follows:*

21 “(1) *An individual who—*

22 “(A) *commencing on or after September 11,*
23 *2001, serves an aggregate of at least 36 months*
24 *on active duty in the Armed Forces (including*

1 *service on active duty in entry level and skill*
2 *training); and*

3 “(B) after completion of service described in
4 subparagraph (A)—

5 “(i) continues on active duty; or

6 “(ii) is discharged or released from ac-
7 tive duty as described in subsection (c).

8 “(2) An individual who—

9 “(A) commencing on or after September 11,
10 2001, serves at least 30 continuous days on ac-
11 tive duty in the Armed Forces; and

12 “(B) after completion of service described in
13 subparagraph (A), is discharged or released from
14 active duty in the Armed Forces for a service-
15 connected disability.

16 “(3) An individual who—

17 “(A) commencing on or after September 11,
18 2001, serves an aggregate of at least 30 months,
19 but less than 36 months, on active duty in the
20 Armed Forces (including service on active duty
21 in entry level and skill training); and

22 “(B) after completion of service described in
23 subparagraph (A)—

24 “(i) continues on active duty for an
25 aggregate of less than 36 months; or

1 “(ii) before completion of service on ac-
2 tive duty of an aggregate of 36 months, is
3 discharged or released from active duty as
4 described in subsection (c).

5 “(4) An individual who—

6 “(A) commencing on or after September 11,
7 2001, serves an aggregate of at least 24 months,
8 but less than 30 months, on active duty in the
9 Armed Forces (including service on active duty
10 in entry level and skill training); and

11 “(B) after completion of service described in
12 subparagraph (A)—

13 “(i) continues on active duty for an
14 aggregate of less than 30 months; or

15 “(ii) before completion of service on ac-
16 tive duty of an aggregate of 30 months, is
17 discharged or released from active duty as
18 described in subsection (c).

19 “(5) An individual who—

20 “(A) commencing on or after September 11,
21 2001, serves an aggregate of at least 18 months,
22 but less than 24 months, on active duty in the
23 Armed Forces (excluding service on active duty
24 in entry level and skill training); and

1 “(B) after completion of service described in
2 subparagraph (A)—

3 “(i) continues on active duty for an
4 aggregate of less than 24 months; or

5 “(ii) before completion of service on ac-
6 tive duty of an aggregate of 24 months, is
7 discharged or released from active duty as
8 described in subsection (c).

9 “(6) An individual who—

10 “(A) commencing on or after September 11,
11 2001, serves an aggregate of at least 12 months,
12 but less than 18 months, on active duty in the
13 Armed Forces (excluding service on active duty
14 in entry level and skill training); and

15 “(B) after completion of service described in
16 subparagraph (A)—

17 “(i) continues on active duty for an
18 aggregate of less than 18 months; or

19 “(ii) before completion of service on ac-
20 tive duty of an aggregate of 18 months, is
21 discharged or released from active duty as
22 described in subsection (c).

23 “(7) An individual who—

24 “(A) commencing on or after September 11,
25 2001, serves an aggregate of at least 6 months,

1 *but less than 12 months, on active duty in the*
2 *Armed Forces (excluding service on active duty*
3 *in entry level and skill training); and*

4 “(B) after completion of service described in
5 subparagraph (A)—

6 “(i) continues on active duty for an
7 aggregate of less than 12 months; or

8 “(ii) before completion of service on ac-
9 tive duty of an aggregate of 12 months, is
10 discharged or released from active duty as
11 described in subsection (c).

12 “(8) An individual who—

13 “(A) commencing on or after September 11,
14 2001, serves an aggregate of at least 90 days, but
15 less than 6 months, on active duty in the Armed
16 Forces (excluding service on active duty in entry
17 level and skill training); and

18 “(B) after completion of service described in
19 subparagraph (A)—

20 “(i) continues on active duty for an
21 aggregate of less than 6 months; or

22 “(ii) before completion of service on ac-
23 tive duty of an aggregate of 6 months, is
24 discharged or released from active duty as
25 described in subsection (c).

1 “(c) *COVERED DISCHARGES AND RELEASES.*—A dis-
2 *charge or release from active duty of an individual de-*
3 *scribed in this subsection is a discharge or release as follows:*

4 “(1) *A discharge from active duty in the Armed*
5 *Forces with an honorable discharge.*

6 “(2) *A release after service on active duty in the*
7 *Armed Forces characterized by the Secretary con-*
8 *cerned as honorable service and placement on the re-*
9 *tired list, transfer to the Fleet Reserve or Fleet Ma-*
10 *rine Corps Reserve, or placement on the temporary*
11 *disability retired list.*

12 “(3) *A release from active duty in the Armed*
13 *Forces for further service in a reserve component of*
14 *the Armed Forces after service on active duty charac-*
15 *terized by the Secretary concerned as honorable serv-*
16 *ice.*

17 “(4) *A discharge or release from active duty in*
18 *the Armed Forces for—*

19 “(A) *a medical condition which preexisted*
20 *the service of the individual as described in the*
21 *applicable paragraph of subsection (b) and*
22 *which the Secretary determines is not service-*
23 *connected;*

24 “(B) *hardship; or*

1 “(C) a physical or mental condition that
2 was not characterized as a disability and did
3 not result from the individual’s own willful mis-
4 conduct but did interfere with the individual’s
5 performance of duty, as determined by the Sec-
6 retary concerned in accordance with regulations
7 prescribed by the Secretary of Defense.

8 “(d) *PROHIBITION ON TREATMENT OF CERTAIN SERV-*
9 *ICE AS PERIOD OF ACTIVE DUTY.*—The following periods
10 of service shall not be considered a part of the period of
11 active duty on which an individual’s entitlement to edu-
12 cational assistance under this chapter is based:

13 “(1) A period of service on active duty of an offi-
14 cer pursuant to an agreement under section 2107(b)
15 of title 10.

16 “(2) A period of service on active duty of an offi-
17 cer pursuant to an agreement under section 4348,
18 6959, or 9348 of title 10.

19 “(3) A period of service that is terminated be-
20 cause of a defective enlistment and induction based
21 on—

22 “(A) the individual’s being a minor for
23 purposes of service in the Armed Forces;

24 “(B) an erroneous enlistment or induction;
25 or

1 “(C) *a defective enlistment agreement.*

2 “(e) *TREATMENT OF INDIVIDUALS ENTITLED UNDER*
3 *MULTIPLE PROVISIONS.—In the event an individual enti-*
4 *tled to educational assistance under this chapter is entitled*
5 *by reason of both paragraphs (4) and (5) of subsection (b),*
6 *the individual shall be treated as being entitled to edu-*
7 *cational assistance under this chapter by reason of para-*
8 *graph (5) of such subsection.*

9 “§ 3312. **Educational assistance: duration**

10 “(a) *IN GENERAL.—Subject to section 3695 of this title*
11 *and except as provided in subsections (b) and (c), an indi-*
12 *vidual entitled to educational assistance under this chapter*
13 *is entitled to a number of months of educational assistance*
14 *under section 3313 of this title equal to 36 months.*

15 “(b) *CONTINUING RECEIPT.—The receipt of edu-*
16 *cational assistance under section 3313 of this title by an*
17 *individual entitled to educational assistance under this*
18 *chapter is subject to the provisions of section 3321(b)(2) of*
19 *this title.*

20 “(c) *DISCONTINUATION OF EDUCATION FOR ACTIVE*
21 *DUTY.—(1) Any payment of educational assistance de-*
22 *scribed in paragraph (2) shall not—*

23 “(A) *be charged against any entitlement to edu-*
24 *cational assistance of the individual concerned under*
25 *this chapter; or*

1 “(B) be counted against the aggregate period for
2 which section 3695 of this title limits the individual’s
3 receipt of educational assistance under this chapter.

4 “(2) Subject to paragraph (3), the payment of edu-
5 cational assistance described in this paragraph is the pay-
6 ment of such assistance to an individual for pursuit of a
7 course or courses under this chapter if the Secretary finds
8 that the individual—

9 “(A)(i) in the case of an individual not serving
10 on active duty, had to discontinue such course pursuit
11 as a result of being called or ordered to serve on ac-
12 tive duty under section 688, 12301(a), 12301(d),
13 12301(g), 12302, or 12304 of title 10; or

14 “(ii) in the case of an individual serving on ac-
15 tive duty, had to discontinue such course pursuit as
16 a result of being ordered to a new duty location or
17 assignment or to perform an increased amount of
18 work; and

19 “(B) failed to receive credit or lost training time
20 toward completion of the individual’s approved edu-
21 cation, professional, or vocational objective as a result
22 of having to discontinue, as described in subpara-
23 graph (A), the individual’s course pursuit.

24 “(3) The period for which, by reason of this subsection,
25 educational assistance is not charged against entitlement

1 *or counted toward the applicable aggregate period under*
2 *section 3695 of this title shall not exceed the portion of the*
3 *period of enrollment in the course or courses from which*
4 *the individual failed to receive credit or with respect to*
5 *which the individual lost training time, as determined*
6 *under paragraph (2)(B).*

7 **“§ 3313. Educational assistance: amount; payment**

8 “(a) *PAYMENT.—The Secretary shall pay to each indi-*
9 *vidual entitled to educational assistance under this chapter*
10 *who is pursuing an approved program of education (other*
11 *than a program covered by subsections (e) and (f)) the*
12 *amounts specified in subsection (c) to meet the expenses of*
13 *such individual’s subsistence, tuition, fees, and other edu-*
14 *cational costs for pursuit of such program of education.*

15 “(b) *APPROVED PROGRAMS OF EDUCATION.—A pro-*
16 *gram of education is an approved program of education*
17 *for purposes of this chapter if the program of education is*
18 *offered by an institution of higher learning (as that term*
19 *is defined in section 3452(f) of this title) and is approved*
20 *for purposes of chapter 30 of this title (including approval*
21 *by the State approving agency concerned).*

22 “(c) *AMOUNT OF EDUCATIONAL ASSISTANCE.—The*
23 *amounts payable under this subsection for pursuit of an*
24 *approved program of education are amounts as follows:*

1 “(1) *In the case of an individual entitled to edu-*
2 *cational assistance under this chapter by reason of*
3 *section 3311(b)(1) or 3311(b)(2) of this title, amounts*
4 *as follows:*

5 “(A) *An amount equal to the established*
6 *charges for the program of education, except that*
7 *the amount payable under this subparagraph*
8 *may not exceed the maximum amount of estab-*
9 *lished charges regularly charged in-State stu-*
10 *dents for full-time pursuit of approved programs*
11 *of education for undergraduates by the public in-*
12 *stitution of higher education offering approved*
13 *programs of education for undergraduates in the*
14 *State in which the individual is enrolled that*
15 *has the highest rate of regularly-charged estab-*
16 *lished charges for such programs of education*
17 *among all public institutions of higher education*
18 *in such State offering such programs of edu-*
19 *cation.*

20 “(B) *A monthly stipend in an amount as*
21 *follows:*

22 “(i) *For each month the individual*
23 *pursues the program of education, other*
24 *than a program of education offered through*
25 *distance learning, a monthly housing sti-*

1 *pend amount equal to the monthly amount*
2 *of the basic allowance for housing payable*
3 *under section 403 of title 37 for a member*
4 *with dependents in pay grade E-5 residing*
5 *in the military housing area that encom-*
6 *passes all or the majority portion of the*
7 *ZIP code area in which is located the insti-*
8 *tution of higher education at which the in-*
9 *dividual is enrolled.*

10 *“(ii) For the first month of each quar-*
11 *ter, semester, or term, as applicable, of the*
12 *program of education pursued by the indi-*
13 *vidual, a lump sum amount for books, sup-*
14 *plies, equipment, and other educational*
15 *costs with respect to such quarter, semester,*
16 *or term in the amount equal to—*

17 *“(I) \$1,000, multiplied by*

18 *“(II) the fraction which is the*
19 *portion of a complete academic year*
20 *under the program of education that*
21 *such quarter, semester, or term con-*
22 *stitutes.*

23 *“(2) In the case of an individual entitled to edu-*
24 *cational assistance under this chapter by reason of*
25 *section 3311(b)(3) of this title, amounts equal to 90*

1 *percent of the amounts that would be payable to the*
2 *individual under paragraph (1) for the program of*
3 *education if the individual were entitled to amounts*
4 *for the program of education under paragraph (1)*
5 *rather than this paragraph.*

6 *“(3) In the case of an individual entitled to edu-*
7 *cational assistance under this chapter by reason of*
8 *section 3311(b)(4) of this title, amounts equal to 80*
9 *percent of the amounts that would be payable to the*
10 *individual under paragraph (1) for the program of*
11 *education if the individual were entitled to amounts*
12 *for the program of education under paragraph (1)*
13 *rather than this paragraph.*

14 *“(4) In the case of an individual entitled to edu-*
15 *cational assistance under this chapter by reason of*
16 *section 3311(b)(5) of this title, amounts equal to 70*
17 *percent of the amounts that would be payable to the*
18 *individual under paragraph (1) for the program of*
19 *education if the individual were entitled to amounts*
20 *for the program of education under paragraph (1)*
21 *rather than this paragraph.*

22 *“(5) In the case of an individual entitled to edu-*
23 *cational assistance under this chapter by reason of*
24 *section 3311(b)(6) of this title, amounts equal to 60*
25 *percent of the amounts that would be payable to the*

1 *individual under paragraph (1) for the program of*
2 *education if the individual were entitled to amounts*
3 *for the program of education under paragraph (1)*
4 *rather than this paragraph.*

5 “(6) *In the case of an individual entitled to edu-*
6 *catinal assistance under this chapter by reason of*
7 *section 3311(b)(7) of this title, amounts equal to 50*
8 *percent of the amounts that would be payable to the*
9 *individual under paragraph (1) for the program of*
10 *education if the individual were entitled to amounts*
11 *for the program of education under paragraph (1)*
12 *rather than this paragraph.*

13 “(7) *In the case of an individual entitled to edu-*
14 *catinal assistance under this chapter by reason of*
15 *section 3311(b)(8) of this title, amounts equal to 40*
16 *percent of the amounts that would be payable to the*
17 *individual under paragraph (1) for the program of*
18 *education if the individual were entitled to amounts*
19 *for the program of education under paragraph (1)*
20 *rather than this paragraph.*

21 “(d) *FREQUENCY OF PAYMENT.—(1) Payment of the*
22 *amounts payable under subsection (c)(1)(A), and of similar*
23 *amounts payable under paragraphs (2) through (7) of sub-*
24 *section (c), for pursuit of a program of education shall be*

1 *made for the entire quarter, semester, or term, as applicable,*
2 *of the program of education.*

3 “(2) *Payment of the amount payable under subsection*
4 *(c)(1)(B), and of similar amounts payable under para-*
5 *graphs (2) through (7) of subsection (c), for pursuit of a*
6 *program of education shall be made on a monthly basis.*

7 “(3) *The Secretary shall prescribe in regulations meth-*
8 *ods for determining the number of months (including frac-*
9 *tions thereof) of entitlement of an individual to educational*
10 *assistance this chapter that are chargeable under this chap-*
11 *ter for an advance payment of amounts under paragraphs*
12 *(1) and (2) for pursuit of a program of education on a*
13 *quarter, semester, term, or other basis.*

14 “(e) *PROGRAMS OF EDUCATION PURSUED ON ACTIVE*
15 *DUTY.—(1) Educational assistance is payable under this*
16 *chapter for pursuit of an approved program of education*
17 *while on active duty.*

18 “(2) *The amount of educational assistance payable*
19 *under this chapter to an individual pursuing a program*
20 *of education while on active duty is the lesser of—*

21 “(A) *the established charges which similarly*
22 *circumstanced nonveterans enrolled in the program of*
23 *education involved would be required to pay; or*

1 “(B) *the amount of the charges of the educational*
2 *institution as elected by the individual in the manner*
3 *specified in section 3014(b)(1) of this title.*

4 “(3) *Payment of the amount payable under paragraph*
5 *(2) for pursuit of a program of education shall be made*
6 *for the entire quarter, semester, or term, as applicable, of*
7 *the program of education.*

8 “(4) *For each month (as determined pursuant to the*
9 *methods prescribed under subsection (d)(3)) for which*
10 *amounts are paid an individual under this subsection, the*
11 *entitlement of the individual to educational assistance*
12 *under this chapter shall be charged at the rate of one month*
13 *for each such month.*

14 “(f) *PROGRAMS OF EDUCATION PURSUED ON HALF-*
15 *TIME BASIS OR LESS.—(1) Educational assistance is pay-*
16 *able under this chapter for pursuit of an approved program*
17 *of education on half-time basis or less.*

18 “(2) *The educational assistance payable under this*
19 *chapter to an individual pursuing a program of education*
20 *on half-time basis or less is the amounts as follows:*

21 “(A) *The amount equal to the lesser of—*

22 “(i) *the established charges which similarly*
23 *circumstanced nonveterans enrolled in the pro-*
24 *gram of education involved would be required to*
25 *pay; or*

1 “(i) the maximum amount that would be
2 payable to the individual for the program of edu-
3 cation under paragraph (1)(A) of subsection (c),
4 or under the provisions of paragraphs (2)
5 through (7) of subsection (c) applicable to the in-
6 dividual, for the program of education if the in-
7 dividual were entitled to amounts for the pro-
8 gram of education under subsection (c) rather
9 than this subsection.

10 “(B) A stipend in an amount equal to the
11 amount of the appropriately reduced amount of the
12 lump sum amount for books, supplies, equipment, and
13 other educational costs otherwise payable to the indi-
14 vidual under subsection (c).

15 “(3) Payment of the amounts payable to an individual
16 under paragraph (2) for pursuit of a program of education
17 on half-time basis or less shall be made for the entire quar-
18 ter, semester, or term, as applicable, of the program of edu-
19 cation.

20 “(4) For each month (as determined pursuant to the
21 methods prescribed under subsection (d)(3)) for which
22 amounts are paid an individual under this subsection, the
23 entitlement of the individual to educational assistance
24 under this chapter shall be charged at a percentage of a
25 month equal to—

1 “(A) *the number of course hours borne by the in-*
2 *dividual in pursuit of the program of education in-*
3 *volved, divided by*

4 “(B) *the number of course hours for full-time*
5 *pursuit of such program of education.*

6 “(g) *PAYMENT OF ESTABLISHED CHARGES TO EDU-*
7 *CATIONAL INSTITUTIONS.—Amounts payable under sub-*
8 *sections (c)(1)(A) (and of similar amounts payable under*
9 *paragraphs (2) through (7) of subsection (c)), (e)(2) and*
10 *(f)(2)(A) shall be paid directly to the educational institu-*
11 *tion concerned.*

12 “(h) *ESTABLISHED CHARGES DEFINED.—(1) In this*
13 *section, the term ‘established charges’, in the case of a pro-*
14 *gram of education, means the actual charges (as determined*
15 *pursuant to regulations prescribed by the Secretary) for tui-*
16 *tion and fees which similarly circumstanced nonveterans*
17 *enrolled in the program of education would be required to*
18 *pay.*

19 “(2) *Established charges shall be determined for pur-*
20 *poses of this subsection on the following basis:*

21 “(A) *In the case of an individual enrolled in a*
22 *program of education offered on a term, quarter, or*
23 *semester basis, the tuition and fees charged the indi-*
24 *vidual for the term, quarter, or semester.*

1 “(B) *In the case of an individual enrolled in a*
2 *program of education not offered on a term, quarter,*
3 *or semester basis, the tuition and fees charged the in-*
4 *dividual for the entire program of education.*

5 **“§ 3314. Tutorial assistance**

6 “(a) *IN GENERAL.—Subject to subsection (b), an indi-*
7 *vidual entitled to educational assistance under this chapter*
8 *shall also be entitled to benefits provided an eligible veteran*
9 *under section 3492 of this title.*

10 “(b) *CONDITIONS.—(1) The provision of benefits under*
11 *subsection (a) shall be subject to the conditions applicable*
12 *to an eligible veteran under section 3492 of this title.*

13 “(2) *In addition to the conditions specified in para-*
14 *graph (1), benefits may not be provided to an individual*
15 *under subsection (a) unless the professor or other individual*
16 *teaching, leading, or giving the course for which such bene-*
17 *fits are provided certifies that—*

18 “(A) *such benefits are essential to correct a defi-*
19 *ciency of the individual in such course; and*

20 “(B) *such course is required as a part of, or is*
21 *prerequisite or indispensable to the satisfactory pur-*
22 *suit of, an approved program of education.*

23 “(c) *AMOUNT.—(1) The amount of benefits described*
24 *in subsection (a) that are payable under this section may*

1 *not exceed \$100 per month, for a maximum of 12 months,*
2 *or until a maximum of \$1,200 is utilized.*

3 “(2) *The amount provided an individual under this*
4 *subsection is in addition to the amounts of educational as-*
5 *sistance paid the individual under section 3313 of this title.*

6 “(d) *NO CHARGE AGAINST ENTITLEMENT.—Any bene-*
7 *fits provided an individual under subsection (a) are in ad-*
8 *dition to any other educational assistance benefits provided*
9 *the individual under this chapter.*

10 **“§ 3315. *Licensure and certification tests***

11 “(a) *IN GENERAL.—An individual entitled to edu-*
12 *cational assistance under this chapter shall also be entitled*
13 *to payment for one licensing or certification test described*
14 *in section 3452(b) of this title.*

15 “(b) *LIMITATION ON AMOUNT.—The amount payable*
16 *under subsection (a) for a licensing or certification test may*
17 *not exceed the lesser of—*

18 “(1) *\$2,000; or*

19 “(2) *the fee charged for the test.*

20 “(c) *NO CHARGE AGAINST ENTITLEMENT.—Any*
21 *amount paid an individual under subsection (a) is in addi-*
22 *tion to any other educational assistance benefits provided*
23 *the individual under this chapter.*

1 **“§ 3316. Supplemental educational assistance: mem-**
2 **bers with critical skills or specialty; mem-**
3 **bers serving additional service**

4 “(a) *INCREASED ASSISTANCE FOR MEMBERS WITH*
5 *CRITICAL SKILLS OR SPECIALTY.*—(1) *In the case of an in-*
6 *dividual who has a skill or specialty designated by the Sec-*
7 *retary concerned as a skill or specialty in which there is*
8 *a critical shortage of personnel or for which it is difficult*
9 *to recruit or, in the case of critical units, retain personnel,*
10 *the Secretary concerned may increase the monthly amount*
11 *of educational assistance otherwise payable to the indi-*
12 *vidual under paragraph (1)(B) of section 3313(c) of this*
13 *title, or under paragraphs (2) through (7) of such section*
14 *(as applicable).*

15 “(2) *The amount of the increase in educational assist-*
16 *ance authorized by paragraph (1) may not exceed the*
17 *amount equal to the monthly amount of increased basic*
18 *educational assistance providable under section 3015(d)(1)*
19 *of this title at the time of the increase under paragraph*
20 *(1).*

21 “(b) *SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL*
22 *SERVICE.*—(1) *The Secretary concerned may provide for the*
23 *payment to an individual entitled to educational assistance*
24 *under this chapter of supplemental educational assistance*
25 *for additional service authorized by subchapter III of chap-*
26 *ter 30 of this title. The amount so payable shall be payable*

1 *as an increase in the monthly amount of educational assist-*
2 *ance otherwise payable to the individual under paragraph*
3 *(1)(B) of section 3313(c) of this title, or under paragraphs*
4 *(2) through (7) of such section (as applicable).*

5 “(2) *Eligibility for supplement educational assistance*
6 *under this subsection shall be determined in accordance*
7 *with the provisions of subchapter III of chapter 30 of this*
8 *title, except that any reference in such provisions to eligi-*
9 *bility for basic educational assistance under a provision of*
10 *subchapter II of chapter 30 of this title shall be treated as*
11 *a reference to eligibility for educational assistance under*
12 *the appropriate provision of this chapter.*

13 “(3) *The amount of supplemental educational assist-*
14 *ance payable under this subsection shall be the amount*
15 *equal to the monthly amount of supplemental educational*
16 *payable under section 3022 of this title.*

17 “(c) *REGULATIONS.—The Secretaries concerned shall*
18 *administer this section in accordance with such regulations*
19 *as the Secretary of Defense shall prescribe.*

20 **“§ 3317. Public-private contributions for additional**
21 **educational assistance**

22 “(a) *ESTABLISHMENT OF PROGRAM.—In instances*
23 *where the educational assistance provided pursuant to sec-*
24 *tion 3313(c)(1)(A) does not cover the full cost of established*
25 *charges (as specified in section 3313 of this title), the Sec-*

1 *retary shall carry out a program under which colleges and*
2 *universities can, voluntarily, enter into an agreement with*
3 *the Secretary to cover a portion of those established charges*
4 *not otherwise covered under section 3313(c)(1)(A), which*
5 *contributions shall be matched by equivalent contributions*
6 *toward such costs by the Secretary. The program shall only*
7 *apply to covered individuals described in paragraphs (1)*
8 *and (2) of section 3311(b).*

9 “(b) *DESIGNATION OF PROGRAM.*—*The program under*
10 *this section shall be known as the ‘Yellow Ribbon G.I. Edu-*
11 *cation Enhancement Program’.*

12 “(c) *AGREEMENTS.*—*The Secretary shall enter into an*
13 *agreement with each college or university seeking to partici-*
14 *pate in the program under this section. Each agreement*
15 *shall specify the following:*

16 “(1) *The manner (whether by direct grant, schol-*
17 *arship, or otherwise) of the contributions to be made*
18 *by the college or university concerned.*

19 “(2) *The maximum amount of the contribution*
20 *to be made by the college or university concerned with*
21 *respect to any particular individual in any given*
22 *academic year.*

23 “(3) *The maximum number of individuals for*
24 *whom the college or university concerned will make*
25 *contributions in any given academic year.*

1 “(4) *Such other matters as the Secretary and the*
2 *college or university concerned jointly consider appro-*
3 *priate.*

4 “(d) *MATCHING CONTRIBUTIONS.—(1) In instances*
5 *where the educational assistance provided an individual*
6 *under section 3313(c)(1)(A) of this title does not cover the*
7 *full cost of tuition and mandatory fees at a college or uni-*
8 *versity, the Secretary shall provide up to 50 percent of the*
9 *remaining costs for tuition and mandatory fees if the college*
10 *or university voluntarily enters into an agreement with the*
11 *Secretary to match an equal percentage of any of the re-*
12 *maining costs for such tuition and fees.*

13 “(2) *Amounts available to the Secretary under section*
14 *3324(b) of this title for payment of the costs of this chapter*
15 *shall be available to the Secretary for purposes of paragraph*
16 *(1).*

17 “(e) *OUTREACH.—The Secretary shall make available*
18 *on the Internet website of the Department available to the*
19 *public a current list of the colleges and universities partici-*
20 *pating in the program under this section. The list shall*
21 *specify, for each college or university so listed, appropriate*
22 *information on the agreement between the Secretary and*
23 *such college or university under subsection (c).*

1 **“§ 3318. Additional assistance: relocation or travel as-**
2 ****istance for individual relocating or trav-****
3 ****eling significant distance for pursuit of a****
4 ****program of education****

5 “(a) *ADDITIONAL ASSISTANCE.*—*Each individual de-*
6 *scribed in subsection (b) shall be paid additional assistance*
7 *under this section in the amount of \$500.*

8 “(b) *COVERED INDIVIDUALS.*—*An individual described*
9 *in this subsection is any individual entitled to educational*
10 *assistance under this chapter—*

11 “(1) *who resides in a highly rural area (as deter-*
12 *mined by the Bureau of the Census); and*

13 “(2) *who—*

14 “(A) *physically relocates a distance of at*
15 *least 500 miles in order to pursue a program of*
16 *education for which the individual utilizes edu-*
17 *cational assistance under this chapter; or*

18 “(B) *travels by air to physically attend an*
19 *institution of higher education for pursuit of*
20 *such a program of education because the indi-*
21 *vidual cannot travel to such institution by auto-*
22 *mobile or other established form of transpor-*
23 *tation due to an absence of road or other infra-*
24 *structure.*

1 “(c) *PROOF OF RESIDENCE.*—For purposes of sub-
 2 section (b)(1), an individual may demonstrate the individ-
 3 ual’s place of residence utilizing any of the following:

4 “(1) *DD Form 214, Certification of Release or*
 5 *Discharge from Active Duty.*

6 “(2) *The most recent Federal income tax return.*

7 “(3) *Such other evidence as the Secretary shall*
 8 *prescribe for purposes of this section.*

9 “(d) *SINGLE PAYMENT OF ASSISTANCE.*—An indi-
 10 vidual is entitled to only one payment of additional assist-
 11 ance under this section.

12 “(e) *NO CHARGE AGAINST ENTITLEMENT.*—Any
 13 amount paid an individual under this section is in addi-
 14 tion to any other educational assistance benefits provided
 15 the individual under this chapter.”.

16 “*SUBCHAPTER III—ADMINISTRATIVE*
 17 *PROVISIONS*

18 “**§ 3321. Time limitation for use of and eligibility for**
 19 ***entitlement***

20 “(a) *IN GENERAL.*—Except as provided in this section,
 21 the period during which an individual entitled to edu-
 22 cational assistance under this chapter may use such indi-
 23 vidual’s entitlement expires at the end of the 15-year period
 24 beginning on the date of such individual’s last discharge
 25 or release from active duty.

1 “(b) *EXCEPTIONS.*—(1) *Subsections (b), (c), and (d)*
2 *of section 3031 of this title shall apply with respect to the*
3 *running of the 15-year period described in subsection (a)*
4 *of this section in the same manner as such subsections apply*
5 *under section 3031 of this title with respect to the running*
6 *of the 10-year period described in section 3031(a) of this*
7 *title.*

8 “(2) *Section 3031(f) of this title shall apply with re-*
9 *spect to the termination of an individual’s entitlement to*
10 *educational assistance under this chapter in the same man-*
11 *ner as such section applies to the termination of an individ-*
12 *ual’s entitlement to educational assistance under chapter 30*
13 *of this title, except that, in the administration of such sec-*
14 *tion for purposes of this chapter, the reference to section*
15 *3013 of this title shall be deemed to be a reference to 3312*
16 *of this title.*

17 “(3) *For purposes of subsection (a), an individual’s*
18 *last discharge or release from active duty shall not include*
19 *any discharge or release from a period of active duty of*
20 *less than 90 days of continuous service, unless the indi-*
21 *vidual is discharged or released as described in section*
22 *3311(b)(2) of this title.*

1 **“§ 3322. Bar to duplication of educational assistance**
2 **benefits**

3 “(a) *IN GENERAL.*—An individual entitled to edu-
4 cational assistance under this chapter who is also eligible
5 for educational assistance under chapter 30, 31, 32, or 35
6 of this title, chapter 107, 1606, or 1607 of title 10, or the
7 provisions of the Hostage Relief Act of 1980 (Public Law
8 96–449; 5 U.S.C. 5561 note) may not receive assistance
9 under two or more such programs concurrently, but shall
10 elect (in such form and manner as the Secretary may pre-
11 scribe) under which chapter or provisions to receive edu-
12 cational assistance.

13 “(b) *INAPPLICABILITY OF SERVICE TREATED UNDER*
14 *EDUCATIONAL LOAN REPAYMENT PROGRAMS.*—A period of
15 service counted for purposes of repayment of an education
16 loan under chapter 109 of title 10 may not be counted as
17 a period of service for entitlement to educational assistance
18 under this chapter.

19 “(c) *SERVICE IN SELECTED RESERVE.*—An individual
20 who serves in the Selected Reserve may receive credit for
21 such service under only one of this chapter, chapter 30 of
22 this title, and chapters 1606 and 1607 of title 10, and shall
23 elect (in such form and manner as the Secretary may pre-
24 scribe) under which chapter such service is to be credited.

25 “(d) *ADDITIONAL COORDINATION MATTERS.*—In the
26 case of an individual entitled to educational assistance

1 *under chapter 30, 31, 32, or 35 of this title, chapter 107,*
2 *1606, or 1607 of title 10, or the provisions of the Hostage*
3 *Relief Act of 1980, or making contributions toward entitle-*
4 *ment to educational assistance under chapter 30 of this*
5 *title, as of August 1, 2009, coordination of entitlement to*
6 *educational assistance under this chapter, on the one hand,*
7 *and such chapters or provisions, on the other, shall be gov-*
8 *erned by the provisions of section ____03(c) of the Post-*
9 *9/11 Veterans Educational Assistance Act of 2008.*

10 **“§ 3323. Administration**

11 “(a) *IN GENERAL.—(1) Except as otherwise provided*
12 *in this chapter, the provisions specified in section*
13 *3034(a)(1) of this title shall apply to the provision of edu-*
14 *cational assistance under this chapter.*

15 “(2) *In applying the provisions referred to in para-*
16 *graph (1) to an individual entitled to educational assist-*
17 *ance under this chapter for purposes of this section, the ref-*
18 *erence in such provisions to the term ‘eligible veteran’ shall*
19 *be deemed to refer to an individual entitled to educational*
20 *assistance under this chapter.*

21 “(3) *In applying section 3474 of this title to an indi-*
22 *vidual entitled to educational assistance under this chapter*
23 *for purposes of this section, the reference in such section*
24 *3474 to the term ‘educational assistance allowance’ shall*

1 *be deemed to refer to educational assistance payable under*
2 *section 3313 of this title.*

3 “(4) *In applying section 3482(g) of this title to an in-*
4 *dividual entitled to educational assistance under this chap-*
5 *ter for purposes of this section—*

6 “(A) *the first reference to the term ‘educational*
7 *assistance allowance’ in such section 3482(g) shall be*
8 *deemed to refer to educational assistance payable*
9 *under section 3313 of this title; and*

10 “(B) *the first sentence of paragraph (1) of such*
11 *section 3482(g) shall be applied as if such sentence*
12 *ended with ‘equipment’.*

13 “(b) *INFORMATION ON BENEFITS.—(1) The Secretary*
14 *of Veterans Affairs shall provide the information described*
15 *in paragraph (2) to each member of the Armed Forces at*
16 *such times as the Secretary of Veterans Affairs and the Sec-*
17 *retary of Defense shall jointly prescribe in regulations.*

18 “(2) *The information described in this paragraph is*
19 *information on benefits, limitations, procedures, eligibility*
20 *requirements (including time-in-service requirements), and*
21 *other important aspects of educational assistance under this*
22 *chapter, including application forms for such assistance*
23 *under section 5102 of this title.*

24 “(3) *The Secretary of Veterans Affairs shall furnish*
25 *the information and forms described in paragraph (2), and*

1 *other educational materials on educational assistance under*
 2 *this chapter, to educational institutions, training establish-*
 3 *ments, military education personnel, and such other persons*
 4 *and entities as the Secretary considers appropriate.*

5 “(c) *REGULATIONS.—(1) The Secretary shall prescribe*
 6 *regulations for the administration of this chapter.*

7 “(2) *Any regulations prescribed by the Secretary of*
 8 *Defense for purposes of this chapter shall apply uniformly*
 9 *across the Armed Forces.*

10 **“§ 3324. Allocation of administration and costs**

11 “(a) *ADMINISTRATION.—Except as otherwise provided*
 12 *in this chapter, the Secretary shall administer the provision*
 13 *of educational assistance under this chapter.*

14 “(b) *COSTS.—Payments for entitlement to educational*
 15 *assistance earned under this chapter shall be made from*
 16 *funds appropriated to, or otherwise made available to, the*
 17 *Department of Veterans Affairs for the payment of readjust-*
 18 *ment benefits.”.*

19 (2) *CLERICAL AMENDMENTS.—The tables of*
 20 *chapters at the beginning of title 38, United States*
 21 *Code, and at the beginning of part III of such title,*
 22 *are each amended by inserting after the item relating*
 23 *to chapter 32 the following new item:*

“33. Post-9/11 Educational Assistance 3301”.

24 (b) *CONFORMING AMENDMENTS.—*

1 (1) *AMENDMENTS RELATING TO DUPLICATION OF*
2 *BENEFITS.*—

3 (A) *Section 3033 of title 38, United States*
4 *Code, is amended—*

5 (i) *in subsection (a)(1), by inserting*
6 *“33,” after “32,”; and*

7 (ii) *in subsection (c), by striking “both*
8 *the program established by this chapter and*
9 *the program established by chapter 106 of*
10 *title 10” and inserting “two or more of the*
11 *programs established by this chapter, chap-*
12 *ter 33 of this title, and chapters 1606 and*
13 *1607 of title 10”.*

14 (B) *Paragraph (4) of section 3695(a) of*
15 *such title is amended to read as follows:*

16 *“(4) Chapters 30, 32, 33, 34, 35, and 36 of this*
17 *title.”.*

18 (C) *Section 16163(e) of title 10, United*
19 *States Code, is amended by inserting “33,” after*
20 *“32,”.*

21 (2) *ADDITIONAL CONFORMING AMENDMENTS.*—

22 (A) *Title 38, United States Code, is further*
23 *amended by inserting “33,” after “32,” each*
24 *place it appears in the following provisions:*

1 (i) *In subsections (b) and (e)(1) of sec-*
2 *tion 3485.*

3 (ii) *In section 3688(b).*

4 (iii) *In subsections (a)(1), (c)(1),*
5 *(c)(1)(G), (d), and (e)(2) of section 3689.*

6 (iv) *In section 3690(b)(3)(A).*

7 (v) *In subsections (a) and (b) of section*
8 *3692.*

9 (vi) *In section 3697(a).*

10 (B) *Section 3697A(b)(1) of such title is*
11 *amended by striking “or 32” and inserting “32,*
12 *or 33”.*

13 (c) *APPLICABILITY TO INDIVIDUALS UNDER MONT-*
14 *GOMERY GI BILL PROGRAM.—*

15 (1) *INDIVIDUALS ELIGIBLE TO ELECT PARTICIPA-*
16 *TION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An*
17 *individual may elect to receive educational assistance*
18 *under chapter 33 of title 38, United States Code (as*
19 *added by subsection (a)), if such individual—*

20 (A) *as of August 1, 2009—*

21 (i) *is entitled to basic educational as-*
22 *istance under chapter 30 of title 38, United*
23 *States Code, and has used, but retains un-*
24 *used, entitlement under that chapter;*

1 (ii) is entitled to educational assist-
2 ance under chapter 107, 1606, or 1607 of
3 title 10, United States Code, and has used,
4 but retains unused, entitlement under the
5 applicable chapter;

6 (iii) is entitled to basic educational as-
7 sistance under chapter 30 of title 38, United
8 States Code, but has not used any entitle-
9 ment under that chapter;

10 (iv) is entitled to educational assist-
11 ance under chapter 107, 1606, or 1607 of
12 title 10, United States Code, but has not
13 used any entitlement under such chapter;

14 (v) is a member of the Armed Forces
15 who is eligible for receipt of basic edu-
16 cational assistance under chapter 30 of title
17 38, United States Code, and is making con-
18 tributions toward such assistance under sec-
19 tion 3011(b) or 3012(c) of such title; or

20 (vi) is a member of the Armed Forces
21 who is not entitled to basic educational as-
22 sistance under chapter 30 of title 38, United
23 States Code, by reason of an election under
24 section 3011(c)(1) or 3012(d)(1) of such
25 title; and

1 (B) as of the date of the individual's elec-
2 tion under this paragraph, meets the require-
3 ments for entitlement to educational assistance
4 under chapter 33 of title 38, United States Code
5 (as so added).

6 (2) CESSATION OF CONTRIBUTIONS TOWARD GI
7 BILL.—Effective as of the first month beginning on or
8 after the date of an election under paragraph (1) of
9 an individual described by subparagraph (A)(v) of
10 that paragraph, the obligation of the individual to
11 make contributions under section 3011(b) or 3012(c)
12 of title 38, United States Code, as applicable, shall
13 cease, and the requirements of such section shall be
14 deemed to be no longer applicable to the individual.

15 (3) REVOCATION OF REMAINING TRANSFERRED
16 ENTITLEMENT.—

17 (A) ELECTION TO REVOKE.—If, on the date
18 an individual described in subparagraph (A)(i)
19 or (A)(iii) of paragraph (1) makes an election
20 under that paragraph, a transfer of the entitle-
21 ment of the individual to basic educational as-
22 sistance under section 3020 of title 38, United
23 States Code, is in effect and a number of months
24 of the entitlement so transferred remain unuti-
25 lized, the individual may elect to revoke all or a

1 *portion of the entitlement so transferred that re-*
2 *mains unutilized.*

3 *(B) AVAILABILITY OF REVOKED ENTITLE-*
4 *MENT.—Any entitlement revoked by an indi-*
5 *vidual under this paragraph shall no longer be*
6 *available to the dependent to whom transferred,*
7 *but shall be available to the individual instead*
8 *for educational assistance under chapter 33 of*
9 *title 38, United States Code (as so added), in ac-*
10 *cordance with the provisions of this subsection.*

11 *(C) AVAILABILITY OF UNREVOKED ENTITLE-*
12 *MENT.—Any entitlement described in subpara-*
13 *graph (A) that is not revoked by an individual*
14 *in accordance with that subparagraph shall re-*
15 *main available to the dependent or dependents*
16 *concerned in accordance with the current trans-*
17 *fer of such entitlement under section 3020 of title*
18 *38, United States Code.*

19 *(4) POST-9/11 EDUCATIONAL ASSISTANCE.—*

20 *(A) IN GENERAL.—Subject to subparagraph*
21 *(B) and except as provided in paragraph (5), an*
22 *individual making an election under paragraph*
23 *(1) shall be entitled to educational assistance*
24 *under chapter 33 of title 38, United States Code*
25 *(as so added), in accordance with the provisions*

1 *of such chapter, instead of basic educational as-*
2 *stance under chapter 30 of title 38, United*
3 *States Code, or educational assistance under*
4 *chapter 107, 1606, or 1607 of title 10, United*
5 *States Code, as applicable.*

6 *(B) LIMITATION ON ENTITLEMENT FOR CER-*
7 *TAIN INDIVIDUALS.—In the case of an individual*
8 *making an election under paragraph (1) who is*
9 *described by subparagraph (A)(i) of that para-*
10 *graph, the number of months of entitlement of*
11 *the individual to educational assistance under*
12 *chapter 33 of title 38, United States Code (as so*
13 *added), shall be the number of months equal to—*

14 *(i) the number of months of unused en-*
15 *titlement of the individual under chapter 30*
16 *of title 38, United States Code, as of the*
17 *date of the election, plus*

18 *(ii) the number of months, if any, of*
19 *entitlement revoked by the individual under*
20 *paragraph (3)(A).*

21 *(5) CONTINUING ENTITLEMENT TO EDUCATIONAL*
22 *ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE*
23 *PROGRAM.—*

24 *(A) IN GENERAL.—In the event educational*
25 *assistance to which an individual making an*

1 *election under paragraph (1) would be entitled*
2 *under chapter 30 of title 38, United States Code,*
3 *or chapter 107, 1606, or 1607 of title 10, United*
4 *States Code, as applicable, is not authorized to*
5 *be available to the individual under the provi-*
6 *sions of chapter 33 of title 38, United States*
7 *Code (as so added), the individual shall remain*
8 *entitled to such educational assistance in accord-*
9 *ance with the provisions of the applicable chap-*
10 *ter.*

11 *(B) CHARGE FOR USE OF ENTITLEMENT.—*

12 *The utilization by an individual of entitlement*
13 *under subparagraph (A) shall be chargeable*
14 *against the entitlement of the individual to edu-*
15 *cational assistance under chapter 33 of title 38,*
16 *United States Code (as so added), at the rate of*
17 *one month of entitlement under such chapter 33*
18 *for each month of entitlement utilized by the in-*
19 *dividual under subparagraph (A) (as determined*
20 *as if such entitlement were utilized under the*
21 *provisions of chapter 30 of title 38, United*
22 *States Code, or chapter 107, 1606, or 1607 of*
23 *title 10, United States Code, as applicable).*

1 (6) *ADDITIONAL POST-9/11 ASSISTANCE FOR*
2 *MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI*
3 *BILL.—*

4 (A) *ADDITIONAL ASSISTANCE.—In the case*
5 *of an individual making an election under para-*
6 *graph (1) who is described by clause (i), (iii), or*
7 *(v) of subparagraph (A) of that paragraph, the*
8 *amount of educational assistance payable to the*
9 *individual under chapter 33 of title 38, United*
10 *States Code (as so added), as a monthly stipend*
11 *payable under paragraph (1)(B) of section*
12 *3313(c) of such title (as so added), or under*
13 *paragraphs (2) through (7) of that section (as*
14 *applicable), shall be the amount otherwise pay-*
15 *able as a monthly stipend under the applicable*
16 *paragraph increased by the amount equal to—*

17 (i) *the total amount of contributions*
18 *toward basic educational assistance made*
19 *by the individual under section 3011(b) or*
20 *3012(c) of title 38, United States Code, as*
21 *of the date of the election, multiplied by*

22 (ii) *the fraction—*

23 (I) *the numerator of which is—*

24 (aa) *the number of months of*
25 *entitlement to basic educational*

1 assistance under chapter 30 of
2 title 38, United States Code, re-
3 maining to the individual at the
4 time of the election; plus

5 (bb) the number of months, if
6 any, of entitlement under such
7 chapter 30 revoked by the indi-
8 vidual under paragraph (3)(A);
9 and

10 (II) the denominator of which is
11 36 months.

12 (B) MONTHS OF REMAINING ENTITLEMENT
13 FOR CERTAIN INDIVIDUALS.—In the case of an
14 individual covered by subparagraph (A) who is
15 described by paragraph (1)(A)(v), the number of
16 months of entitlement to basic educational assist-
17 ance remaining to the individual for purposes of
18 subparagraph (A)(ii)(I)(aa) shall be 36 months.

19 (C) TIMING OF PAYMENT.—The amount
20 payable with respect to an individual under sub-
21 paragraph (A) shall be paid to the individual to-
22 gether with the last payment of the monthly sti-
23 pend payable to the individual under paragraph
24 (1)(B) of section 3313(c) of title 38, United
25 States Code (as so added), or under paragraphs

1 (2) *through (7) of that section (as applicable),*
2 *before the exhaustion of the individual's entitle-*
3 *ment to educational assistance under chapter 33*
4 *of such title (as so added).*

5 (7) *CONTINUING ENTITLEMENT TO ADDITIONAL*
6 *ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY*
7 *AND ADDITIONAL SERVICE.—An individual making*
8 *an election under paragraph (1)(A) who, at the time*
9 *of the election, is entitled to increased educational as-*
10 *istance under section 3015(d) of title 38, United*
11 *States Code, or section 16131(i) of title 10, United*
12 *States Code, or supplemental educational assistance*
13 *under subchapter III of chapter 30 of title 38, United*
14 *States Code, shall remain entitled to such increased*
15 *educational assistance or supplemental educational*
16 *assistance in the utilization of entitlement to edu-*
17 *cational assistance under chapter 33 of title 38,*
18 *United States Code (as so added), in an amount*
19 *equal to the quarter, semester, or term, as applicable,*
20 *equivalent of the monthly amount of such increased*
21 *educational assistance or supplemental educational*
22 *assistance payable with respect to the individual at*
23 *the time of the election.*

24 (8) *IRREVOCABILITY OF ELECTIONS.—An election*
25 *under paragraph (1) or (3)(A) is irrevocable.*

1 (d) *EFFECTIVE DATE.*—*This section and the amend-*
2 *ments made by this section shall take effect on August 1,*
3 *2009.*

4 **SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL**
5 **ASSISTANCE UNDER THE MONTGOMERY GI**
6 **BILL.**

7 (a) *EDUCATIONAL ASSISTANCE BASED ON THREE-*
8 *YEAR PERIOD OF OBLIGATED SERVICE.*—*Subsection (a)(1)*
9 *of section 3015 of title 38, United States Code, is*
10 *amended—*

11 (1) *by striking subparagraphs (A) through (C)*
12 *and inserting the following new subparagraph:*

13 “(A) *for months occurring during the period be-*
14 *ginning on August 1, 2008, and ending on the last*
15 *day of fiscal year 2009, \$1,321; and”;* and

16 (2) *by redesignating subparagraph (D) as sub-*
17 *paragraph (B).*

18 (b) *EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR*
19 *PERIOD OF OBLIGATED SERVICE.*—*Subsection (b)(1) of*
20 *such section is amended—*

21 (1) *by striking subparagraphs (A) through (C)*
22 *and inserting the following new subparagraph:*

23 “(A) *for months occurring during the period be-*
24 *ginning on August 1, 2008, and ending on the last*
25 *day of fiscal year 2009, \$1,073; and”;* and

1 (2) by redesignating subparagraph (D) as sub-
2 paragraph (B).

3 (c) *MODIFICATION OF MECHANISM FOR COST-OF-LIV-*
4 *ING ADJUSTMENTS.*—Subsection (h)(1) of such section is
5 amended by striking subparagraphs (A) and (B) and in-
6 serting the following new subparagraphs:

7 “(A) the average cost of undergraduate tuition in
8 the United States, as determined by the National
9 Center for Education Statistics, for the last academic
10 year preceding the beginning of the fiscal year for
11 which the increase is made, exceeds

12 “(B) the average cost of undergraduate tuition in
13 the United States, as so determined, for the academic
14 year preceding the academic year described in sub-
15 paragraph (A).”.

16 (d) *EFFECTIVE DATE.*—

17 (1) *IN GENERAL.*—The amendments made by
18 this section shall take effect on August 1, 2008.

19 (2) *NO COST-OF-LIVING ADJUSTMENT FOR FISCAL*
20 *YEAR 2009.*—The adjustment required by subsection
21 (h) of section 3015 of title 38, United States Code (as
22 amended by this section), in rates of basic educational
23 assistance payable under subsections (a) and (b) of
24 such section (as so amended) shall not be made for
25 fiscal year 2009.

1 **SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR RE-**
 2 **IMBURSEMENT OF STATE AND LOCAL AGEN-**
 3 **CIES ADMINISTERING VETERANS EDUCATION**
 4 **BENEFITS.**

5 *Section 3674(a)(4) of title 38, United States Code, is*
 6 *amended by striking “may not exceed” and all that follows*
 7 *through the end and inserting “shall be \$19,000,000.”.*

8 **TITLE V—EMERGENCY UNEM-**
 9 **EMPLOYMENT COMPENSATION**

10 **FEDERAL-STATE AGREEMENTS**

11 *SEC. 5001. (a) IN GENERAL.—Any State which desires*
 12 *to do so may enter into and participate in an agreement*
 13 *under this title with the Secretary of Labor (in this title*
 14 *referred to as the “Secretary”). Any State which is a party*
 15 *to an agreement under this title may, upon providing 30*
 16 *days written notice to the Secretary, terminate such agree-*
 17 *ment.*

18 *(b) PROVISIONS OF AGREEMENT.—Any agreement*
 19 *under subsection (a) shall provide that the State agency of*
 20 *the State will make payments of emergency unemployment*
 21 *compensation to individuals who—*

22 *(1) have exhausted all rights to regular com-*
 23 *pen-sation under the State law or under Federal law*
 24 *with respect to a benefit year (excluding any benefit*
 25 *year that ended before May 1, 2007);*

1 (2) *have no rights to regular compensation or ex-*
2 *tended compensation with respect to a week under*
3 *such law or any other State unemployment compensa-*
4 *tion law or to compensation under any other Federal*
5 *law (except as provided under subsection (e)); and*

6 (3) *are not receiving compensation with respect*
7 *to such week under the unemployment compensation*
8 *law of Canada.*

9 (c) *EXHAUSTION OF BENEFITS.*—*For purposes of sub-*
10 *section (b)(1), an individual shall be deemed to have ex-*
11 *hausted such individual's rights to regular compensation*
12 *under a State law when—*

13 (1) *no payments of regular compensation can be*
14 *made under such law because such individual has re-*
15 *ceived all regular compensation available to such in-*
16 *dividual based on employment or wages during such*
17 *individual's base period; or*

18 (2) *such individual's rights to such compensation*
19 *have been terminated by reason of the expiration of*
20 *the benefit year with respect to which such rights ex-*
21 *isted.*

22 (d) *WEEKLY BENEFIT AMOUNT, ETC.*—*For purposes*
23 *of any agreement under this title—*

24 (1) *the amount of emergency unemployment*
25 *compensation which shall be payable to any indi-*

1 *vidual for any week of total unemployment shall be*
2 *equal to the amount of the regular compensation (in-*
3 *cluding dependents' allowances) payable to such indi-*
4 *vidual during such individual's benefit year under*
5 *the State law for a week of total unemployment;*

6 *(2) the terms and conditions of the State law*
7 *which apply to claims for regular compensation and*
8 *to the payment thereof shall apply to claims for emer-*
9 *gency unemployment compensation and the payment*
10 *thereof, except where otherwise inconsistent with the*
11 *provisions of this title or with the regulations or oper-*
12 *ating instructions of the Secretary promulgated to*
13 *carry out this title; and*

14 *(3) the maximum amount of emergency unem-*
15 *ployment compensation payable to any individual for*
16 *whom an emergency unemployment compensation ac-*
17 *count is established under section 5002 shall not ex-*
18 *ceed the amount established in such account for such*
19 *individual.*

20 *(e) ELECTION BY STATES.—Notwithstanding any*
21 *other provision of Federal law (and if State law permits),*
22 *the Governor of a State that is in an extended benefit period*
23 *may provide for the payment of emergency unemployment*
24 *compensation prior to extended compensation to individ-*
25 *uals who otherwise meet the requirements of this section.*

1 *EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT*

2 *SEC. 5002. (a) IN GENERAL.—Any agreement under*
3 *this title shall provide that the State will establish, for each*
4 *eligible individual who files an application for emergency*
5 *unemployment compensation, an emergency unemployment*
6 *compensation account with respect to such individual's ben-*
7 *efit year.*

8 *(b) AMOUNT IN ACCOUNT.—*

9 *(1) IN GENERAL.—The amount established in an*
10 *account under subsection (a) shall be equal to the less-*
11 *er of—*

12 *(A) 50 percent of the total amount of reg-*
13 *ular compensation (including dependents' allow-*
14 *ances) payable to the individual during the indi-*
15 *vidual's benefit year under such law, or*

16 *(B) 13 times the individual's average week-*
17 *ly benefit amount for the benefit year.*

18 *(2) WEEKLY BENEFIT AMOUNT.—For purposes of*
19 *this subsection, an individual's weekly benefit amount*
20 *for any week is the amount of regular compensation*
21 *(including dependents' allowances) under the State*
22 *law payable to such individual for such week for total*
23 *unemployment.*

24 *(c) SPECIAL RULE.—*

1 (1) *IN GENERAL.*—Notwithstanding any other
2 provision of this section, if, at the time that the indi-
3 vidual’s account is exhausted or at any time there-
4 after, such individual’s State is in an extended benefit
5 period (as determined under paragraph (2)), then,
6 such account shall be augmented by an amount equal
7 to the amount originally established in such account
8 (as determined under subsection (b)(1)).

9 (2) *EXTENDED BENEFIT PERIOD.*—For purposes
10 of paragraph (1), a State shall be considered to be in
11 an extended benefit period, as of any given time, if—

12 (A) such a period is then in effect for such
13 State under the Federal-State Extended Unem-
14 ployment Compensation Act of 1970;

15 (B) such a period would then be in effect for
16 such State under such Act if section 203(d) of
17 such Act—

18 (i) were applied by substituting “4”
19 for “5” each place it appears; and

20 (ii) did not include the requirement
21 under paragraph (1)(A); or

22 (C) such a period would then be in effect for
23 such State under such Act if—

24 (i) section 203(f) of such Act were ap-
25 plied to such State (regardless of whether

1 *the State by law had provided for such ap-*
2 *plication); and*

3 *(ii) such section 203(f)—*

4 *(I) were applied by substituting*
5 *“6.0” for “6.5” in paragraph (1)(A)(i);*
6 *and*

7 *(II) did not include the require-*
8 *ment under paragraph (1)(A)(ii).*

9 *PAYMENTS TO STATES HAVING AGREEMENTS FOR THE*
10 *PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION*

11 *SEC. 5003. (a) GENERAL RULE.—There shall be paid*
12 *to each State that has entered into an agreement under this*
13 *title an amount equal to 100 percent of the emergency un-*
14 *employment compensation paid to individuals by the State*
15 *pursuant to such agreement.*

16 *(b) TREATMENT OF REIMBURSABLE COMPENSA-*
17 *TION.—No payment shall be made to any State under this*
18 *section in respect of any compensation to the extent the*
19 *State is entitled to reimbursement in respect of such com-*
20 *ensation under the provisions of any Federal law other*
21 *than this title or chapter 85 of title 5, United States Code.*
22 *A State shall not be entitled to any reimbursement under*
23 *such chapter 85 in respect of any compensation to the extent*
24 *the State is entitled to reimbursement under this title in*
25 *respect of such compensation.*

1 *ment by the Government Accountability Office, shall make*
2 *payments to the State in accordance with such certification,*
3 *by transfers from the extended unemployment compensation*
4 *account (as so established) to the account of such State in*
5 *the Unemployment Trust Fund (as so established).*

6 (c) *ASSISTANCE TO STATES.*—*There are appropriated*
7 *out of the employment security administration account (as*
8 *established by section 901(a) of the Social Security Act (42*
9 *U.S.C. 1101(a)) of the Unemployment Trust Fund, without*
10 *fiscal year limitation, such funds as may be necessary for*
11 *purposes of assisting States (as provided in title III of the*
12 *Social Security Act (42 U.S.C. 501 et seq.)) in meeting the*
13 *costs of administration of agreements under this title.*

14 (d) *APPROPRIATIONS FOR CERTAIN PAYMENTS.*—
15 *There are appropriated from the general fund of the Treas-*
16 *ury, without fiscal year limitation, to the extended unem-*
17 *ployment compensation account (as so established) of the*
18 *Unemployment Trust Fund (as so established) such sums*
19 *as the Secretary estimates to be necessary to make the pay-*
20 *ments under this section in respect of—*

21 (1) *compensation payable under chapter 85 of*
22 *title 5, United States Code; and*

23 (2) *compensation payable on the basis of services*
24 *to which section 3309(a)(1) of the Internal Revenue*
25 *Code of 1986 applies.*

1 *Amounts appropriated pursuant to the preceding sentence*
2 *shall not be required to be repaid.*

3 *FRAUD AND OVERPAYMENTS*

4 *SEC. 5005. (a) IN GENERAL.—If an individual know-*
5 *ingly has made, or caused to be made by another, a false*
6 *statement or representation of a material fact, or knowingly*
7 *has failed, or caused another to fail, to disclose a material*
8 *fact, and as a result of such false statement or representa-*
9 *tion or of such nondisclosure such individual has received*
10 *an amount of emergency unemployment compensation*
11 *under this title to which such individual was not entitled,*
12 *such individual—*

13 *(1) shall be ineligible for further emergency un-*
14 *employment compensation under this title in accord-*
15 *ance with the provisions of the applicable State un-*
16 *employment compensation law relating to fraud in*
17 *connection with a claim for unemployment compensa-*
18 *tion; and*

19 *(2) shall be subject to prosecution under section*
20 *1001 of title 18, United States Code.*

21 *(b) REPAYMENT.—In the case of individuals who have*
22 *received amounts of emergency unemployment compensa-*
23 *tion under this title to which they were not entitled, the*
24 *State shall require such individuals to repay the amounts*
25 *of such emergency unemployment compensation to the State*

1 *agency, except that the State agency may waive such repay-*
2 *ment if it determines that—*

3 (1) *the payment of such emergency unemploy-*
4 *ment compensation was without fault on the part of*
5 *any such individual; and*

6 (2) *such repayment would be contrary to equity*
7 *and good conscience.*

8 *(c) RECOVERY BY STATE AGENCY.—*

9 (1) *IN GENERAL.—The State agency may recover*
10 *the amount to be repaid, or any part thereof, by de-*
11 *ductions from any emergency unemployment com-*
12 *penetration payable to such individual under this title*
13 *or from any unemployment compensation payable to*
14 *such individual under any State or Federal unem-*
15 *ployment compensation law administered by the*
16 *State agency or under any other State or Federal law*
17 *administered by the State agency which provides for*
18 *the payment of any assistance or allowance with re-*
19 *spect to any week of unemployment, during the 3-year*
20 *period after the date such individuals received the*
21 *payment of the emergency unemployment compensa-*
22 *tion to which they were not entitled, except that no*
23 *single deduction may exceed 50 percent of the weekly*
24 *benefit amount from which such deduction is made.*

1 **(b) TRANSITION FOR AMOUNT REMAINING IN AC-**
2 **COUNT.—**

3 **(1) IN GENERAL.—***Subject to paragraphs (2) and*
4 *(3), in the case of an individual who has amounts re-*
5 *maining in an account established under section 5002*
6 *as of the last day of the last week (as determined in*
7 *accordance with the applicable State law) ending on*
8 *or before March 31, 2009, emergency unemployment*
9 *compensation shall continue to be payable to such in-*
10 *dividual from such amounts for any week beginning*
11 *after such last day for which the individual meets the*
12 *eligibility requirements of this title.*

13 **(2) LIMIT ON AUGMENTATION.—***If the account of*
14 *an individual is exhausted after the last day of such*
15 *last week (as so determined), then section 5002(c)*
16 *shall not apply and such account shall not be aug-*
17 *mented under such section, regardless of whether such*
18 *individual's State is in an extended benefit period (as*
19 *determined under paragraph (2) of such section).*

20 **(3) LIMIT ON COMPENSATION.—***No compensation*
21 *shall be payable by reason of paragraph (1) for any*
22 *week beginning after June 30, 2009.*

23 **TITLE VI—OTHER HEALTH MATTERS**

24 **SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID**
25 **REGULATIONS.—**

1 (1) *EXTENSION OF CERTAIN MORATORIA IN PUB-*
2 *LIC LAW 110–28.—Section 7002(a)(1) of the U.S.*
3 *Troop Readiness, Veterans’ Care, Katrina Recovery,*
4 *and Iraq Accountability Appropriations Act, 2007*
5 *(Public Law 110–28) is amended—*

6 (A) *by striking “prior to the date that is 1*
7 *year after the date of enactment of this Act” and*
8 *inserting “prior to April 1, 2009”;*

9 (B) *in subparagraph (A), by inserting after*
10 *“Federal Regulations)” the following: “or in the*
11 *final regulation, relating to such parts, published*
12 *on May 29, 2007 (72 Federal Register 29748)”;*
13 *and*

14 (C) *in subparagraph (C), by inserting be-*
15 *fore the period at the end the following: “, in-*
16 *cluding the proposed regulation published on*
17 *May 23, 2007 (72 Federal Register 28930)”.*

18 (2) *EXTENSION OF CERTAIN MORATORIA IN PUB-*
19 *LIC LAW 110–173.—Section 206 of the Medicare, Med-*
20 *icaid, and SCHIP Extension Act of 2007 (Public*
21 *Law 110–173) is amended—*

22 (A) *by striking “June 30, 2008” and insert-*
23 *ing “April 1, 2009”;*

24 (B) *by inserting “, including the proposed*
25 *regulation published on August 13, 2007 (72*

1 *Federal Register 45201),” after “rehabilitation*
2 *services”;* and

3 *(C) by inserting “, including the final regu-*
4 *lation published on December 28, 2007 (72 Fed-*
5 *eral Register 73635),” after “school-based trans-*
6 *portation”.*

7 (3) *MORATORIUM ON INTERIM FINAL MEDICAID*
8 *REGULATION RELATING TO OPTIONAL CASE MANAGE-*
9 *MENT AND TARGETED CASE MANAGEMENT SERV-*
10 *ICES.—Notwithstanding any other provision of law,*
11 *the Secretary of Health and Human Services shall*
12 *not, prior to April 1, 2009, finalize, implement, en-*
13 *force, or otherwise take any action (through promul-*
14 *gation of regulation, issuance of regulatory guidance,*
15 *use of Federal payment audit procedures, or other ad-*
16 *ministrative action, policy, or practice, including a*
17 *Medical Assistance Manual transmittal or letter to*
18 *State Medicaid directors) to impose any restrictions*
19 *relating to the interim final regulation relating to op-*
20 *tional State plan case management services and tar-*
21 *geted case management services under the Medicaid*
22 *program published on December 4, 2007 (72 Federal*
23 *Register 68077) in its entirety.*

24 (4) *ADDITIONAL MORATORIA.—*

1 (A) *IN GENERAL.*—Notwithstanding any
2 other provision of law, the Secretary of Health
3 and Human Services shall not, prior to April 1,
4 2009, take any action (through promulgation of
5 regulation, issuance of regulatory guidance, use
6 of Federal payment audit procedures, or other
7 administrative action, policy, or practice, in-
8 cluding a Medical Assistance Manual trans-
9 mittal or letter to State Medicaid directors) to
10 impose any restrictions relating to a provision
11 described in subparagraph (B) or (C) if such re-
12 strictions are more restrictive in any aspect than
13 those applied to the respective provision as of the
14 date specified in subparagraph (D) for such pro-
15 vision.

16 (B) *PROPOSED REGULATION RELATING TO*
17 *REDEFINITION OF MEDICAID OUTPATIENT HOS-*
18 *PITAL SERVICES.*—The provision described in
19 this subparagraph is the proposed regulation re-
20 lating to clarification of outpatient clinic and
21 hospital facility services definition and upper
22 payment limit under the Medicaid program pub-
23 lished on September 28, 2007 (72 *Federal Reg-*
24 *ister* 55158) in its entirety.

1 (C) *PORTION OF PROPOSED REGULATION*
2 *RELATING TO MEDICAID ALLOWABLE PROVIDER*
3 *TAXES.—*

4 (i) *IN GENERAL.—Subject to clause*
5 *(ii), the provision described in this subpara-*
6 *graph is the final regulation relating to*
7 *health-care-related taxes under the Medicaid*
8 *program published on February 22, 2008*
9 *(73 Federal Register 9685) in its entirety.*

10 (ii) *EXCEPTION.—The provision de-*
11 *scribed in this subparagraph does not in-*
12 *clude the portions of such regulation as re-*
13 *late to the following:*

14 (I) *REDUCTION IN THRESHOLD.—*
15 *The reduction from 6 percent to 5.5*
16 *percent in the threshold applied under*
17 *section 433.68(f)(3)(i) of title 42, Code*
18 *of Federal Regulations, for determining*
19 *whether or not there is an indirect*
20 *guarantee to hold a taxpayer harmless,*
21 *as required to carry out section*
22 *1903(w)(4)(C)(ii) of the Social Secu-*
23 *rity Act, as added by section 403 of the*
24 *Medicare Improvement and Extension*

1 *Act of 2006 (division B of Public Law*
2 *109–432).*

3 *(II) CHANGE IN DEFINITION OF*
4 *MANAGED CARE.—The change in the*
5 *definition of managed care as proposed*
6 *in the revision of section 433.56(a)(8)*
7 *of title 42, Code of Federal Regula-*
8 *tions, as required to carry out section*
9 *1903(w)(7)(A)(viii) of the Social Secu-*
10 *rity Act, as amended by section 6051*
11 *of the Deficit Reduction Act of 2005*
12 *(Public Law 109–171).*

13 *(D) DATE SPECIFIED.—The date specified*
14 *in this subparagraph for the provision described*
15 *in—*

16 *(i) subparagraph (B) is September 27,*
17 *2007; or*

18 *(ii) subparagraph (C) is February 21,*
19 *2008.*

20 *(b) RESTORATION OF ACCESS TO NOMINAL DRUG*
21 *PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—*

22 *(1) IN GENERAL.—Section 1927(c)(1)(D) of the*
23 *Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)),*
24 *as added by section 6001(d)(2) of the Deficit Reduc-*

1 *tion Act of 2005 (Public Law 109–171), is*
2 *amended—*

3 *(A) in clause (i)—*

4 *(i) by redesignating subclause (IV) as*
5 *subclause (VI); and*

6 *(ii) by inserting after subclause (III)*
7 *the following:*

8 *“(IV) An entity that—*

9 *“(aa) is described in section*
10 *501(c)(3) of the Internal Revenue*
11 *Code of 1986 and exempt from tax*
12 *under section 501(a) of such Act*
13 *or is State-owned or operated;*
14 *and*

15 *“(bb) would be a covered en-*
16 *tity described in section*
17 *340(B)(a)(4) of the Public Health*
18 *Service Act insofar as the entity*
19 *provides the same type of services*
20 *to the same type of populations as*
21 *a covered entity described in such*
22 *section provides, but does not re-*
23 *ceive funding under a provision of*
24 *law referred to in such section.*

1 “(V) A public or nonprofit entity,
2 or an entity based at an institution of
3 higher learning whose primary purpose
4 is to provide health care services to stu-
5 dents of that institution, that provides
6 a service or services described under
7 section 1001(a) of the Public Health
8 Service Act.”; and

9 (B) by adding at the end the following new
10 clause:

11 “(iv) *RULE OF CONSTRUCTION.*—*Noth-*
12 *ing in this subparagraph shall be construed*
13 *to alter any existing statutory or regulatory*
14 *prohibition on services with respect to an*
15 *entity described in subclause (IV) or (V) of*
16 *clause (i), including the prohibition set*
17 *forth in section 1008 of the Public Health*
18 *Service Act.”.*

19 (2) *EFFECTIVE DATE.*—*The amendments made*
20 *by this subsection shall take effect as if included in*
21 *the amendment made by section 6001(d)(2) of the*
22 *Deficit Reduction Act of 2005.*

23 (c) *ASSET VERIFICATION THROUGH ACCESS TO IN-*
24 *FORMATION HELD BY FINANCIAL INSTITUTIONS.*—

1 (1) *ADDITION OF AUTHORITY.*—*Title XIX of the*
2 *Social Security Act is amended by inserting after sec-*
3 *tion 1939 the following new section:*

4 “*ASSET VERIFICATION THROUGH ACCESS TO INFORMATION*
5 *HELD BY FINANCIAL INSTITUTIONS*

6 “*SEC. 1940. (a) IMPLEMENTATION.*—

7 “(1) *IN GENERAL.*—*Subject to the provisions of*
8 *this section, each State shall implement an asset*
9 *verification program described in subsection (b), for*
10 *purposes of determining or redetermining the eligi-*
11 *bility of an individual for medical assistance under*
12 *the State plan under this title.*

13 “(2) *PLAN SUBMITTAL.*—*In order to meet the re-*
14 *quirement of paragraph (1), each State shall—*

15 “(A) *submit not later than a deadline speci-*
16 *fied by the Secretary consistent with paragraph*
17 *(3), a State plan amendment under this title*
18 *that describes how the State intends to imple-*
19 *ment the asset verification program; and*

20 “(B) *provide for implementation of such*
21 *program for eligibility determinations and rede-*
22 *terminations made on or after 6 months after the*
23 *deadline established for submittal of such plan*
24 *amendment.*

25 “(3) *PHASE-IN.*—

26 “(A) *IN GENERAL.*—

1 “(i) *IMPLEMENTATION IN CURRENT*
2 *ASSET VERIFICATION DEMO STATES.—The*
3 *Secretary shall require those States specified*
4 *in subparagraph (C) (to which an asset*
5 *verification program has been applied be-*
6 *fore the date of the enactment of this sec-*
7 *tion) to implement an asset verification*
8 *program under this subsection by the end of*
9 *fiscal year 2009.*

10 “(ii) *IMPLEMENTATION IN OTHER*
11 *STATES.—The Secretary shall require other*
12 *States to submit and implement an asset*
13 *verification program under this subsection*
14 *in such manner as is designed to result in*
15 *the application of such programs, in the ag-*
16 *gregate for all such other States, to enroll-*
17 *ment of approximately, but not less than,*
18 *the following percentage of enrollees, in the*
19 *aggregate for all such other States, by the*
20 *end of the fiscal year involved:*

21 “(I) *12.5 percent by the end of fis-*
22 *cal year 2009.*

23 “(II) *25 percent by the end of fis-*
24 *cal year 2010.*

1 “(III) 50 percent by the end of fis-
2 cal year 2011.

3 “(IV) 75 percent by the end of fis-
4 cal year 2012.

5 “(V) 100 percent by the end of fis-
6 cal year 2013.

7 “(B) *CONSIDERATION.*—*In selecting States*
8 *under subparagraph (A)(ii), the Secretary shall*
9 *consult with the States involved and take into*
10 *account the feasibility of implementing asset*
11 *verification programs in each such State.*

12 “(C) *STATES SPECIFIED.*—*The States speci-*
13 *fied in this subparagraph are California, New*
14 *York, and New Jersey.*

15 “(D) *CONSTRUCTION.*—*Nothing in subpara-*
16 *graph (A)(ii) shall be construed as preventing a*
17 *State from requesting, and the Secretary approv-*
18 *ing, the implementation of an asset verification*
19 *program in advance of the deadline otherwise es-*
20 *tablished under such subparagraph.*

21 “(4) *EXEMPTION OF TERRITORIES.*—*This section*
22 *shall only apply to the 50 States and the District of*
23 *Columbia.*

24 “(b) *ASSET VERIFICATION PROGRAM.*—

1 “(1) *IN GENERAL.*—For purposes of this section,
2 *an asset verification program means a program de-*
3 *scribed in paragraph (2) under which a State—*

4 “(A) *requires each applicant for, or recipi-*
5 *ent of, medical assistance under the State plan*
6 *under this title on the basis of being aged, blind,*
7 *or disabled to provide authorization by such ap-*
8 *plicant or recipient (and any other person whose*
9 *resources are required by law to be disclosed to*
10 *determine the eligibility of the applicant or re-*
11 *recipient for such assistance) for the State to ob-*
12 *tain (subject to the cost reimbursement require-*
13 *ments of section 1115(a) of the Right to Finan-*
14 *cial Privacy Act of 1978 but at no cost to the ap-*
15 *plicant or recipient) from any financial institu-*
16 *tion (within the meaning of section 1101(1) of*
17 *such Act) any financial record (within the*
18 *meaning of section 1101(2) of such Act) held by*
19 *the institution with respect to the applicant or*
20 *recipient (and such other person, as applicable),*
21 *whenever the State determines the record is need-*
22 *ed in connection with a determination with re-*
23 *spect to such eligibility for (or the amount or ex-*
24 *tent of) such medical assistance; and*

1 “(B) uses the authorization provided under
2 subparagraph (A) to verify the financial re-
3 sources of such applicant or recipient (and such
4 other person, as applicable), in order to deter-
5 mine or redetermine the eligibility of such appli-
6 cant or recipient for medical assistance under
7 the State plan.

8 “(2) PROGRAM DESCRIBED.—A program de-
9 scribed in this paragraph is a program for verifying
10 individual assets in a manner consistent with the ap-
11 proach used by the Commissioner of Social Security
12 under section 1631(e)(1)(B)(ii).

13 “(c) DURATION OF AUTHORIZATION.—Notwith-
14 standing section 1104(a)(1) of the Right to Financial Pri-
15 vacy Act of 1978, an authorization provided to a State
16 under subsection (b)(1)(A) shall remain effective until the
17 earliest of—

18 “(1) the rendering of a final adverse decision on
19 the applicant’s application for medical assistance
20 under the State’s plan under this title;

21 “(2) the cessation of the recipient’s eligibility for
22 such medical assistance; or

23 “(3) the express revocation by the applicant or
24 recipient (or such other person described in subsection

1 **(b)(1)(A)**, as applicable) of the authorization, in a
2 written notification to the State.

3 “(d) **TREATMENT OF RIGHT TO FINANCIAL PRIVACY**
4 **ACT REQUIREMENTS.**—

5 “(1) An authorization obtained by the State
6 under subsection (b)(1) shall be considered to meet the
7 requirements of the Right to Financial Privacy Act of
8 1978 for purposes of section 1103(a) of such Act, and
9 need not be furnished to the financial institution, not-
10 withstanding section 1104(a) of such Act.

11 “(2) The certification requirements of section
12 1103(b) of the Right to Financial Privacy Act of 1978
13 shall not apply to requests by the State pursuant to
14 an authorization provided under subsection (b)(1).

15 “(3) A request by the State pursuant to an au-
16 thorization provided under subsection (b)(1) is
17 deemed to meet the requirements of section 1104(a)(3)
18 of the Right to Financial Privacy Act of 1978 and of
19 section 1102 of such Act, relating to a reasonable de-
20 scription of financial records.

21 “(e) **REQUIRED DISCLOSURE.**—The State shall inform
22 any person who provides authorization pursuant to sub-
23 section (b)(1)(A) of the duration and scope of the authoriza-
24 tion.

1 “(f) *REFUSAL OR REVOCATION OF AUTHORIZATION.*—
2 *If an applicant for, or recipient of, medical assistance*
3 *under the State plan under this title (or such other person*
4 *described in subsection (b)(1)(A), as applicable) refuses to*
5 *provide, or revokes, any authorization made by the appli-*
6 *cant or recipient (or such other person, as applicable) under*
7 *subsection (b)(1)(A) for the State to obtain from any finan-*
8 *cial institution any financial record, the State may, on that*
9 *basis, determine that the applicant or recipient is ineligible*
10 *for medical assistance.*

11 “(g) *USE OF CONTRACTOR.*—*For purposes of imple-*
12 *menting an asset verification program under this section,*
13 *a State may select and enter into a contract with a public*
14 *or private entity meeting such criteria and qualifications*
15 *as the State determines appropriate, consistent with re-*
16 *quirements in regulations relating to general contracting*
17 *provisions and with section 1903(i)(2). In carrying out ac-*
18 *tivities under such contract, such an entity shall be subject*
19 *to the same requirements and limitations on use and disclo-*
20 *sure of information as would apply if the State were to*
21 *carry out such activities directly.*

22 “(h) *TECHNICAL ASSISTANCE.*—*The Secretary shall*
23 *provide States with technical assistance to aid in imple-*
24 *mentation of an asset verification program under this sec-*
25 *tion.*

1 “(i) *REPORTS.*—A State implementing an asset
2 verification program under this section shall furnish to the
3 Secretary such reports concerning the program, at such
4 times, in such format, and containing such information as
5 the Secretary determines appropriate.

6 “(j) *TREATMENT OF PROGRAM EXPENSES.*—Notwith-
7 standing any other provision of law, reasonable expenses
8 of States in carrying out the program under this section
9 shall be treated, for purposes of section 1903(a), in the same
10 manner as State expenditures specified in paragraph (7)
11 of such section.”.

12 (2) *STATE PLAN REQUIREMENTS.*—Section
13 1902(a) of such Act (42 U.S.C. 1396a(a)) is
14 amended—

15 (A) in paragraph (69) by striking “and” at
16 the end;

17 (B) in paragraph (70) by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by inserting after paragraph (70), as so
20 amended, the following new paragraph:

21 “(71) provide that the State will implement an
22 asset verification program as required under section
23 1940.”.

1 (3) *WITHHOLDING OF FEDERAL MATCHING PAY-*
2 *MENTS FOR NONCOMPLIANT STATES.*—Section 1903(i)
3 *of such Act (42 U.S.C. 1396b(i)) is amended—*

4 (A) *in paragraph (22) by striking “or” at*
5 *the end;*

6 (B) *in paragraph (23) by striking the pe-*
7 *riod at the end and inserting “; or”; and*

8 (C) *by adding after paragraph (23) the fol-*
9 *lowing new paragraph:*

10 “(24) *if a State is required to implement an*
11 *asset verification program under section 1940 and*
12 *fails to implement such program in accordance with*
13 *such section, with respect to amounts expended by*
14 *such State for medical assistance for individuals sub-*
15 *ject to asset verification under such section, unless—*

16 “(A) *the State demonstrates to the Sec-*
17 *retary’s satisfaction that the State made a good*
18 *faith effort to comply;*

19 “(B) *not later than 60 days after the date*
20 *of a finding that the State is in noncompliance,*
21 *the State submits to the Secretary (and the Sec-*
22 *retary approves) a corrective action plan to rem-*
23 *edy such noncompliance; and*

1 “(C) not later than 12 months after the date
2 of such submission (and approval), the State ful-
3 fills the terms of such corrective action plan.”.

4 (4) *REPEAL.*—Section 4 of Public Law 110–90
5 is repealed.

6 *SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO*
7 *THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS*
8 *FOR HOSPITALS.*—

9 (a) *IN GENERAL.*—Section 1877 of the Social Security
10 Act (42 U.S.C. 1395nn) is amended—

11 (1) in subsection (d)(2)—

12 (A) in subparagraph (A), by striking “and”
13 at the end;

14 (B) in subparagraph (B), by striking the
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(C) in the case where the entity is a hos-
19 pital, the hospital meets the requirements of
20 paragraph (3)(D).”;

21 (2) in subsection (d)(3)—

22 (A) in subparagraph (B), by striking “and”
23 at the end;

24 (B) in subparagraph (C), by striking the
25 period at the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(D) the hospital meets the requirements de-
4 scribed in subsection (i)(1) not later than 18
5 months after the date of the enactment of this
6 subparagraph.”; and

7 (3) by adding at the end the following new sub-
8 section:

9 “(i) *REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR*
10 *HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT*
11 *PROHIBITION.*—

12 “(1) *REQUIREMENTS DESCRIBED.*—For purposes
13 of subsection (d)(3)(D), the requirements described in
14 this paragraph for a hospital are as follows:

15 “(A) *PROVIDER AGREEMENT.*—The hospital
16 had—

17 “(i) physician ownership on September
18 1, 2008; and

19 “(ii) a provider agreement under sec-
20 tion 1866 in effect on such date.

21 “(B) *LIMITATION ON EXPANSION OF FACIL-*
22 *ITY CAPACITY.*—Except as provided in para-
23 graph (3), the number of operating rooms, proce-
24 dure rooms, and beds of the hospital at any time
25 on or after the date of the enactment of this sub-

1 *section are no greater than the number of oper-*
2 *ating rooms, procedure rooms, and beds as of*
3 *such date.*

4 “(C) *PREVENTING CONFLICTS OF INTER-*
5 *EST.—*

6 “(i) *The hospital submits to the Sec-*
7 *retary an annual report containing a de-*
8 *tailed description of—*

9 “(I) *the identity of each physician*
10 *owner and any other owners of the hos-*
11 *pital; and*

12 “(II) *the nature and extent of all*
13 *ownership interests in the hospital.*

14 “(ii) *The hospital has procedures in*
15 *place to require that any referring physi-*
16 *cian owner discloses to the patient being re-*
17 *ferred, by a time that permits the patient to*
18 *make a meaningful decision regarding the*
19 *receipt of care, as determined by the*
20 *Secretary—*

21 “(I) *the ownership interest of such*
22 *referring physician in the hospital;*
23 *and*

1 “(II) if applicable, any such own-
2 ership interest of the treating physi-
3 cian.

4 “(iii) The hospital does not condition
5 any physician ownership interests either di-
6 rectly or indirectly on the physician owner
7 making or influencing referrals to the hos-
8 pital or otherwise generating business for
9 the hospital.

10 “(iv) The hospital discloses the fact
11 that the hospital is partially owned by
12 physicians—

13 “(I) on any public website for the
14 hospital; and

15 “(II) in any public advertising
16 for the hospital.

17 “(D) ENSURING BONA FIDE INVESTMENT.—

18 “(i) Physician owners in the aggregate
19 do not own more than the greater of—

20 “(I) 40 percent of the total value
21 of the investment interests held in the
22 hospital or in an entity whose assets
23 include the hospital; or

1 “(II) the percentage of such total
2 value determined on the date of enact-
3 ment of this subsection.

4 “(ii) Any ownership or investment in-
5 terests that the hospital offers to a physician
6 owner are not offered on more favorable
7 terms than the terms offered to a person
8 who is not a physician owner.

9 “(iii) The hospital (or any investors in
10 the hospital) does not directly or indirectly
11 provide loans or financing for any physi-
12 cian owner investments in the hospital.

13 “(iv) The hospital (or any investors in
14 the hospital) does not directly or indirectly
15 guarantee a loan, make a payment toward
16 a loan, or otherwise subsidize a loan, for
17 any individual physician owner or group of
18 physician owners that is related to acquir-
19 ing any ownership interest in the hospital.

20 “(v) Investment returns are distributed
21 to each investor in the hospital in an
22 amount that is directly proportional to the
23 ownership interest of such investor in the
24 hospital.

1 “(vi) *Physician owners do not receive,*
2 *directly or indirectly, any guaranteed re-*
3 *ceipt of or right to purchase other business*
4 *interests related to the hospital, including*
5 *the purchase or lease of any property under*
6 *the control of other investors in the hospital*
7 *or located near the premises of the hospital.*

8 “(vii) *The hospital does not offer a*
9 *physician owner the opportunity to pur-*
10 *chase or lease any property under the con-*
11 *trol of the hospital or any other investor in*
12 *the hospital on more favorable terms than*
13 *the terms offered to an individual who is*
14 *not a physician owner.*

15 “(E) *PATIENT SAFETY.—*

16 “(i) *Insofar as the hospital admits a*
17 *patient and does not have any physician*
18 *available on the premises to provide services*
19 *during all hours in which the hospital is*
20 *providing services to such patient, before*
21 *admitting the patient—*

22 “(I) *the hospital discloses such*
23 *fact to a patient; and*

24 “(II) *following such disclosure, the*
25 *hospital receives from the patient a*

1 signed acknowledgment that the pa-
2 tient understands such fact.

3 “(ii) The hospital has the capacity
4 to—

5 “(I) provide assessment and ini-
6 tial treatment for patients; and

7 “(II) refer and transfer patients
8 to hospitals with the capability to treat
9 the needs of the patient involved.

10 “(F) *LIMITATION ON APPLICATION TO CER-*
11 *TAIN CONVERTED FACILITIES.*—The hospital was
12 not converted from an ambulatory surgical cen-
13 ter to a hospital on or after the date of enact-
14 ment of this subsection.

15 “(2) *PUBLICATION OF INFORMATION RE-*
16 *PORTED.*—The Secretary shall publish, and update on
17 an annual basis, the information submitted by hos-
18 pitals under paragraph (1)(C)(i) on the public Inter-
19 net website of the Centers for Medicare & Medicaid
20 Services.

21 “(3) *EXCEPTION TO PROHIBITION ON EXPANSION*
22 *OF FACILITY CAPACITY.*—

23 “(A) *PROCESS.*—

24 “(i) *ESTABLISHMENT.*—The Secretary
25 shall establish and implement a process

1 *under which an applicable hospital (as de-*
2 *defined in subparagraph (E)) may apply for*
3 *an exception from the requirement under*
4 *paragraph (1)(B).*

5 “(i) *OPPORTUNITY FOR COMMUNITY*
6 *INPUT.—The process under clause (i) shall*
7 *provide individuals and entities in the com-*
8 *munity that the applicable hospital apply-*
9 *ing for an exception is located with the op-*
10 *portunity to provide input with respect to*
11 *the application.*

12 “(ii) *TIMING FOR IMPLEMENTATION.—*
13 *The Secretary shall implement the process*
14 *under clause (i) on November 1, 2009.*

15 “(iv) *REGULATIONS.—Not later than*
16 *November 1, 2009, the Secretary shall pro-*
17 *mulgate regulations to carry out the process*
18 *under clause (i).*

19 “(B) *FREQUENCY.—The process described*
20 *in subparagraph (A) shall permit an applicable*
21 *hospital to apply for an exception up to once*
22 *every 2 years.*

23 “(C) *PERMITTED INCREASE.—*

24 “(i) *IN GENERAL.—Subject to clause*
25 *(ii) and subparagraph (D), an applicable*

1 *hospital granted an exception under the*
2 *process described in subparagraph (A) may*
3 *increase the number of operating rooms,*
4 *procedure rooms, and beds of the applicable*
5 *hospital above the baseline number of oper-*
6 *ating rooms, procedure rooms, and beds of*
7 *the applicable hospital (or, if the applicable*
8 *hospital has been granted a previous excep-*
9 *tion under this paragraph, above the num-*
10 *ber of operating rooms, procedure rooms,*
11 *and beds of the hospital after the applica-*
12 *tion of the most recent increase under such*
13 *an exception).*

14 “(ii) *LIFETIME 100 PERCENT INCREASE*
15 *LIMITATION.—The Secretary shall not per-*
16 *mit an increase in the number of operating*
17 *rooms, procedure rooms, and beds of an ap-*
18 *plicable hospital under clause (i) to the ex-*
19 *tent such increase would result in the num-*
20 *ber of operating rooms, procedure rooms,*
21 *and beds of the applicable hospital exceed-*
22 *ing 200 percent of the baseline number of*
23 *operating rooms, procedure rooms, and beds*
24 *of the applicable hospital.*

1 “(iii) *BASELINE NUMBER OF OPER-*
2 *ATING ROOMS, PROCEDURE ROOMS, AND*
3 *BEDS.—In this paragraph, the term ‘base-*
4 *line number of operating rooms, procedure*
5 *rooms, and beds’ means the number of oper-*
6 *ating rooms, procedure rooms, and beds of*
7 *the applicable hospital as of the date of en-*
8 *actment of this subsection.*

9 “(D) *INCREASE LIMITED TO FACILITIES ON*
10 *THE MAIN CAMPUS OF THE HOSPITAL.—Any in-*
11 *crease in the number of operating rooms, proce-*
12 *cedure rooms, and beds of an applicable hospital*
13 *pursuant to this paragraph may only occur in*
14 *facilities on the main campus of the applicable*
15 *hospital.*

16 “(E) *APPLICABLE HOSPITAL.—In this para-*
17 *graph, the term “applicable hospital” means a*
18 *hospital—*

19 “(i) *that is located in a county in*
20 *which the percentage increase in the popu-*
21 *lation during the most recent 5-year period*
22 *(as of the date of the application under sub-*
23 *paragraph (A)) is at least 150 percent of*
24 *the percentage increase in the population*
25 *growth of the State in which the hospital is*

1 *located during that period, as estimated by*
2 *Bureau of the Census;*

3 “(ii) *whose annual percent of total in-*
4 *patient admissions that represent inpatient*
5 *admissions under the program under title*
6 *XIX is equal to or greater than the average*
7 *percent with respect to such admissions for*
8 *all hospitals located in the county in which*
9 *the hospital is located;*

10 “(iii) *that does not discriminate*
11 *against beneficiaries of Federal health care*
12 *programs and does not permit physicians*
13 *practicing at the hospital to discriminate*
14 *against such beneficiaries;*

15 “(iv) *that is located in a State in*
16 *which the average bed capacity in the State*
17 *is less than the national average bed capac-*
18 *ity; and*

19 “(v) *that has an average bed occu-*
20 *pancy rate that is greater than the average*
21 *bed occupancy rate in the State in which*
22 *the hospital is located.*

23 “(F) *PROCEDURE ROOMS.—In this sub-*
24 *section, the term ‘procedure rooms’ includes*
25 *rooms in which catheterizations, angiographies,*

1 angiograms, and endoscopies are performed, ex-
2 cept such term shall not include emergency
3 rooms or departments (exclusive of rooms in
4 which catheterizations, angiographies,
5 angiograms, and endoscopies are performed).

6 “(G) *PUBLICATION OF FINAL DECISIONS.*—
7 Not later than 60 days after receiving a complete
8 application under this paragraph, the Secretary
9 shall publish in the Federal Register the final de-
10 cision with respect to such application.

11 “(H) *LIMITATION ON REVIEW.*—There shall
12 be no administrative or judicial review under
13 section 1869, section 1878, or otherwise of the
14 process under this paragraph (including the es-
15 tablishment of such process).

16 “(4) *COLLECTION OF OWNERSHIP AND INVEST-*
17 *MENT INFORMATION.*—For purposes of subparagraphs
18 (A)(i) and (D)(i) of paragraph (1), the Secretary
19 shall collect physician ownership and investment in-
20 formation for each hospital.

21 “(5) *PHYSICIAN OWNER DEFINED.*—For purposes
22 of this subsection, the term ‘physician owner’ means
23 a physician (or an immediate family member of such
24 physician) with a direct or an indirect ownership in-
25 terest in the hospital.”

1 **(b) ENFORCEMENT.**—

2 **(1) ENSURING COMPLIANCE.**—*The Secretary of*
3 *Health and Human Services shall establish policies*
4 *and procedures to ensure compliance with the require-*
5 *ments described in subsection (i)(1) of section 1877 of*
6 *the Social Security Act, as added by subsection*
7 *(a)(3), beginning on the date such requirements first*
8 *apply. Such policies and procedures may include un-*
9 *announced site reviews of hospitals.*

10 **(2) AUDITS.**—*Beginning not later than January*
11 *1, 2010, the Secretary of Health and Human Services*
12 *shall conduct audits to determine if hospitals violate*
13 *the requirements referred to in paragraph (1).*

14 **SEC. 6003. Medicare Improvement Fund.**—

15 *Title XVIII of the Social Security Act (42 U.S.C. 1395*
16 *et seq.) is amended by adding at the end the following new*
17 *section:*

18 **“MEDICARE IMPROVEMENT FUND**

19 **“SEC. 1898. (a) ESTABLISHMENT.**—*The Secretary*
20 *shall establish under this title a Medicare Improvement*
21 *Fund (in this section referred to as the ‘Fund’) which shall*
22 *be available to the Secretary to make improvements under*
23 *the original fee-for-service program under parts A and B*
24 *for individuals entitled to, or enrolled for, benefits under*
25 *part A or enrolled under part B.*

26 **“(b) FUNDING.**—

1 “(1) *IN GENERAL.*—*There shall be available to*
2 *the Fund, for expenditures from the Fund for services*
3 *furnished during fiscal year 2014, \$3,340,000,000.*

4 “(2) *PAYMENT FROM TRUST FUNDS.*—*The*
5 *amount specified under paragraph (1) shall be avail-*
6 *able to the Fund, as expenditures are made from the*
7 *Fund, from the Federal Hospital Insurance Trust*
8 *Fund and the Federal Supplementary Medical Insur-*
9 *ance Trust Fund in such proportion as the Secretary*
10 *determines appropriate.*

11 “(3) *FUNDING LIMITATION.*—*Amounts in the*
12 *Fund shall be available in advance of appropriations*
13 *but only if the total amount obligated from the Fund*
14 *does not exceed the amount available to the Fund*
15 *under paragraph (1). The Secretary may obligate*
16 *funds from the Fund only if the Secretary determines*
17 *(and the Chief Actuary of the Centers for Medicare &*
18 *Medicaid Services and the appropriate budget officer*
19 *certify) that there are available in the Fund sufficient*
20 *amounts to cover all such obligations incurred con-*
21 *sistent with the previous sentence.”.*

22 *SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS*
23 *DIRECTIVE. Notwithstanding any other provision of law,*
24 *the Secretary of Health and Human Services shall not,*
25 *prior to April 1, 2009, finalize, implement, enforce, or oth-*

1 *erwise take any action to give effect to any or all compo-*
2 *nents of the State Health Official Letter 07–001, dated Au-*
3 *gust 17, 2007, issued by the Director of the Center for Med-*
4 *icaid and State Operations in the Centers for Medicare &*
5 *Medicaid Services regarding certain requirements under the*
6 *State Children’s Health Insurance Program (CHIP) relat-*
7 *ing to the prevention of the substitution of health benefits*
8 *coverage for children (commonly referred to as “crowd-out”)*
9 *and the enforcement of medical support orders (or to any*
10 *similar administrative actions that reflect the same or simi-*
11 *lar policies set forth in such letter). Any change made on*
12 *or after August 17, 2007, to a Medicaid or CHIP State*
13 *plan or waiver to implement, conform to, or otherwise ad-*
14 *here to the requirements or policies in such letter shall not*
15 *apply prior to April 1, 2009.*

16 *SEC. 6005. ADJUSTMENT TO PAQI FUND. Section*
17 *1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–*
18 *4(l)(2)), as amended by section 101(a)(2) of the Medicare,*
19 *Medicaid, and SCHIP Extension Act of 2007 (Public Law*
20 *110–173), is amended—*

21 *(1) in subparagraph (A)(i)—*

22 *(A) in subclause (III), by striking*

23 *“\$4,960,000,000” and inserting*

24 *“\$3,940,000,000”; and*

1 (B) by adding at the end the following new
2 subclause:

3 “(IV) For expenditures during
4 2014, an amount equal to
5 \$3,750,000,000.”;

6 (2) in subparagraph (A)(ii), by adding at the
7 end the following new subclause:

8 “(IV) 2014.—The amount avail-
9 able for expenditures during 2014 shall
10 only be available for an adjustment to
11 the update of the conversion factor
12 under subsection (d) for that year.”;
13 and

14 (3) in subparagraph (B)—

15 (A) in clause (ii), by striking “and” at the
16 end;

17 (B) in clause (iii), by striking the period at
18 the end and inserting “; and”; and

19 (C) by adding at the end the following new
20 clause:

21 “(iv) 2014 for payment with respect to
22 physicians’ services furnished during
23 2014.”.

1 *TITLE VII—ACCOUNTABILITY AND COMPETITION*
2 *IN GOVERNMENT CONTRACTING*

3 *CHAPTER 1—CLOSE THE CONTRACTOR FRAUD*
4 *LOOPHOLE*

5 *SHORT TITLE*

6 *SEC. 7101. This chapter may be cited as the “Close*
7 *the Contractor Fraud Loophole Act”.*

8 *REVISION OF THE FEDERAL ACQUISITION REGULATION*

9 *SEC. 7102. The Federal Acquisition Regulation shall*
10 *be amended within 180 days after the date of the enactment*
11 *of this Act pursuant to FAR Case 2007–006 (as published*
12 *at 72 Fed Reg. 64019, November 14, 2007) or any follow-*
13 *on FAR case to include provisions that require timely noti-*
14 *fication by Federal contractors of violations of Federal*
15 *criminal law or overpayments in connection with the*
16 *award or performance of covered contracts or subcontracts,*
17 *including those performed outside the United States and*
18 *those for commercial items.*

19 *DEFINITION*

20 *SEC. 7103. In this chapter, the term “covered contract”*
21 *means any contract in an amount greater than \$5,000,000*
22 *and more than 120 days in duration.*

1 *CHAPTER 2—GOVERNMENT FUNDING*2 *TRANSPARENCY*3 *SHORT TITLE*

4 *SEC. 7201. This chapter may be cited as the “Govern-*
5 *ment Funding Transparency Act of 2008”.*

6 *FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN*7 *RECIPIENTS OF FEDERAL AWARDS*

8 *SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Sec-*
9 *tion 2(b)(1) of the Federal Funding Accountability and*
10 *Transparency Act (Public Law 109–282; 31 U.S.C. 6101*
11 *note) is amended—*

12 (1) *by striking “and” at the end of subpara-*
13 *graph (E);*

14 (2) *by redesignating subparagraph (F) as sub-*
15 *paragraph (G); and*

16 (3) *by inserting after subparagraph (E) the fol-*
17 *lowing new subparagraph:*

18 *“(F) the names and total compensation of*
19 *the five most highly compensated officers of the*
20 *entity if—*

21 *“(i) the entity in the preceding fiscal*
22 *year received—*

23 *“(I) 80 percent or more of its an-*
24 *nual gross revenues in Federal awards;*
25 *and*

1

EMERGENCY DESIGNATION

2

SEC. 8002. Each amount in each title of this Act is 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 current resolution on the budget for fiscal year 2008.

7

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

8

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

14

EXPLANATORY STATEMENT

15

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment 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, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as

1 *if it were a report to the Senate on a bill reported by the*
2 *Committee on Appropriations.*

3 *SHORT TITLE*

4 *SEC. 8005. This Act may be cited as the “Supple-*
5 *mental Appropriations Act, 2008”.*

Attest:

Secretary.

110TH CONGRESS
2^D SESSION

H. R. 2642

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