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(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. OBEY (for himself and Mr. MURTHA) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

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

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

1       TITLE I—POLICY ON REDEPLOYMENT AND  
2               CONDUCT OF OPERATIONS IN IRAQ

3       SEC. 101. It is the sense of the Congress that—

4               (1) the war in Iraq should end as safely and  
5       quickly as possible and our troops should be brought  
6       home;

7               (2) the performance of United States military  
8       personnel in Iraq and Afghanistan should be com-  
9       mended, their courage and sacrifice have been excep-  
10      tional, and when they come home, their service  
11      should be recognized appropriately; and

12              (3) the primary purpose of funds made avail-  
13      able by this Act should be to transition the mission  
14      of United States Armed Forces in Iraq and under-  
15      take their redeployment, and not to extend or pro-  
16      long the war.

17      SEC. 102. (a) No person in the custody or under the  
18      effective control of the United States Government shall be  
19      subject to any treatment or technique of interrogation not  
20      authorized by and listed in the United States Army Field  
21      Manual FM2–22.3 Human Intelligence Collector Oper-  
22      ations.

23              (b) Subsection (a) shall not apply with respect to any  
24      person in the custody or under the effective control of the  
25      United States Government pursuant to a criminal law or

1 immigration law of the United States. Nothing in this sec-  
2 tion shall be construed to affect the rights under the  
3 United States Constitution of any person in the custody  
4 or under the physical jurisdiction of the United States.

5 SEC. 103. None of the funds made available in this  
6 Act may be used in contravention of the following laws  
7 enacted or regulations promulgated to implement the  
8 United Nations Convention Against Torture and Other  
9 Cruel, Inhuman or Degrading Treatment or Punishment  
10 (done at New York on December 10, 1984)—

11 (1) section 2340A of title 18, United States  
12 Code;

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

20 (3) sections 1002 and 1003 of the Department  
21 of Defense, Emergency Supplemental Appropriations  
22 to Address Hurricanes in the Gulf of Mexico, and  
23 Pandemic Influenza Act, 2006 (Public Law 109–  
24 148).

1           SEC. 104. (a) The Congress finds that United States  
2 military units should not enter into combat unless they  
3 are fully capable of performing their assigned mission. The  
4 Congress further finds that this is the policy of the De-  
5 partment of Defense.

6           (b) None of the funds appropriated or otherwise  
7 made available by this Act may be used to deploy any unit  
8 of the Armed Forces to Iraq unless the President has cer-  
9 tified in writing to the Committees on Appropriations and  
10 the Committees on Armed Services of the Senate and the  
11 House of Representatives at least 15 days in advance of  
12 the deployment that the unit is “fully mission capable”.

13           (c) For the purposes of subsection (b) the term “fully  
14 mission capable” means capable of performing a unit’s as-  
15 signed mission to the prescribed standards under the con-  
16 ditions expected in the theater of operation, consistent  
17 with the guidelines set forth in the Department of De-  
18 fense’s Defense Readiness Reporting System.

19           (d) The President, by certifying in writing to the  
20 Committees on Appropriations and the Committees on  
21 Armed Services of the Senate and the House of Represent-  
22 atives that the deployment to Iraq of a unit that is not  
23 assessed fully mission capable is required for reasons of  
24 national security and by submitting along with a certifi-  
25 cation a report in classified and unclassified form detailing

1 the particular reason or reasons why the unit's deployment  
2 is necessary, may waive the limitations prescribed in sub-  
3 section (b) on a unit-by-unit basis.

4       SEC. 105. (a) Notwithstanding any other provision  
5 of law, funds appropriated or otherwise made available by  
6 this Act are available immediately for obligation to plan  
7 and execute a safe and orderly redeployment of United  
8 States Armed Forces from Iraq.

9       (b) Within 30 days after enactment of this Act, the  
10 President shall commence an immediate and orderly rede-  
11 ployment of United States Armed Forces from Iraq, which  
12 shall be implemented as part of the comprehensive re-  
13 gional stability plan described in subsection (g). The  
14 President shall endeavor to begin such redeployment with  
15 units of the Armed Forces that have been deployed in ex-  
16 cess of 365 days, except to the extent those units are need-  
17 ed to provide for the safe withdrawal of other units of the  
18 Armed Forces or to protect United States and Coalition  
19 personnel and infrastructure.

20       (c) The reduction in United States Armed Forces re-  
21 quired by this section shall be implemented in conjunction  
22 with a comprehensive diplomatic, political and economic  
23 strategy that includes sustained engagement with Iraq's  
24 neighbors and the international community for the pur-  
25 pose of working collectively to bring stability to Iraq.

1 (d) The goal for the completion of the transition of  
2 United States Armed Forces to a limited presence and  
3 missions as described in subsection (e) shall be a date that  
4 is not later than December 15, 2008.

5 (e) After the conclusion of the reduction and transi-  
6 tion of United States Armed Forces to a limited presence  
7 as required by this section, the Secretary of Defense may  
8 deploy or maintain members of the Armed Forces in Iraq  
9 only for the following missions:

10 (1) Protecting United States diplomatic facili-  
11 ties, United States Armed Forces, and American  
12 citizens.

13 (2) Conducting limited training, equipping, and  
14 providing logistical and intelligence support to the  
15 Iraqi Security forces.

16 (3) Engaging in targeted counterterrorism op-  
17 erations against al-Qaeda, al-Qaeda affiliated  
18 groups, and other terrorist organizations in Iraq.

19 (f) Not later than February 1, 2008, and every 90  
20 days thereafter, the Secretary of Defense shall submit to  
21 the congressional defense committees a report setting  
22 forth the following:

23 (1) The current plan for and the status of the  
24 reduction of United States Armed Forces in Iraq  
25 and the transition of the Armed Forces in Iraq to

1 a limited presence whose missions do not exceed the  
2 missions specified in subsection (e), including the as-  
3 sociated force reductions and adjustments and ex-  
4 pectations with respect to timelines and the force  
5 levels anticipated to perform those missions.

6 (2) A comprehensive current description of ef-  
7 forts to prepare for the reduction and transition of  
8 United States Armed Forces in Iraq in accordance  
9 with this section and to limit any destabilizing con-  
10 sequences of such reduction and transition, including  
11 a description of efforts to work with the United Na-  
12 tions and countries in the region toward that objec-  
13 tive.

14 (g) Not later than February 15, 2008, the President  
15 shall submit to the Congress in classified and unclassified  
16 form a comprehensive regional stability plan for the Mid-  
17 dle East, which shall include a military, diplomatic, polit-  
18 ical and economic strategy that provides for the national  
19 security interests of the United States in the region and  
20 for the engagement of targeted counterterrorism oper-  
21 ations. The plan shall include a detailed description of the  
22 projected United States military force presence in and  
23 around the Middle East region for the 5-year period begin-  
24 ning on October 1, 2008.

1           SEC. 106. The amounts appropriated by this Act are  
2 sufficient to fully meet the immediate needs of the United  
3 States Armed Forces deployed to Iraq. Congressional con-  
4 sideration of additional funding shall be deferred until the  
5 first report required by section 105(f) is submitted to the  
6 Congress.

7           TITLE II—SUPPLEMENTAL APPROPRIATIONS

8           DEPARTMENT OF DEFENSE—MILITARY

9                   MILITARY PERSONNEL

10                          MILITARY PERSONNEL, ARMY

11           For an additional amount for “Military Personnel,  
12 Army”, \$713,700,000.

13                          MILITARY PERSONNEL, NAVY

14           For an additional amount for “Military Personnel,  
15 Navy”, \$95,624,000.

16                          MILITARY PERSONNEL, MARINE CORPS

17           For an additional amount for “Military Personnel,  
18 Marine Corps”, \$56,050,000.

19                          MILITARY PERSONNEL, AIR FORCE

20           For an additional amount for “Military Personnel,  
21 Air Force”, \$138,037,000.

22                          OPERATION AND MAINTENANCE

23                          OPERATION AND MAINTENANCE, ARMY

24           For an additional amount for “Operation and Main-  
25 tenance, Army”, \$27,429,490,000.

1           OPERATION AND MAINTENANCE, NAVY

2           For an additional amount for “Operation and Main-  
3   tenance, Navy”, \$2,071,560,000.

4           OPERATION AND MAINTENANCE, MARINE CORPS

5           For an additional amount for “Operation and Main-  
6   tenance, Marine Corps”, \$2,429,323,000.

7           OPERATION AND MAINTENANCE, AIR FORCE

8           For an additional amount for “Operation and Main-  
9   tenance, Air Force”, \$3,582,560,000.

10          OPERATION AND MAINTENANCE, DEFENSE-WIDE

11          For an additional amount for “Operation and Main-  
12   tenance, Defense-Wide”, \$1,330,540,000, of which not to  
13   exceed \$333,000,000, to remain available until expended,  
14   may be used for payments to reimburse key cooperating  
15   nations, for logistical, military, and other support provided  
16   to United States military operations, notwithstanding any  
17   other provision of law: *Provided*, That such payments may  
18   be made in such amounts as the Secretary of Defense,  
19   with the concurrence of the Secretary of State and in con-  
20   sultation with the Director of the Office of Management  
21   and Budget, may determine, in his discretion, based on  
22   documentation determined by the Secretary of Defense to  
23   adequately account for the support provided, and such de-  
24   termination is final and conclusive upon the accounting  
25   officers of the United States, and 15 days following notifi-

1 cation to the appropriate congressional committees: *Pro-*  
2 *vided further*, That the Secretary of Defense shall provide  
3 quarterly reports to the congressional defense committees  
4 on the use of funds provided in this paragraph.

5 OPERATION AND MAINTENANCE, ARMY RESERVE

6 For an additional amount for “Operation and Main-  
7 tenance, Army Reserve”, \$61,223,000.

8 OPERATION AND MAINTENANCE, NAVY RESERVE

9 For an additional amount for “Operation and Main-  
10 tenance, Navy Reserve”, \$47,500,000.

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

13 For an additional amount for “Operation and Main-  
14 tenance, Marine Corps Reserve”, \$26,157,000.

15 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

16 For an additional amount for “Operation and Main-  
17 tenance, Air Force Reserve”, \$8,089,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For an additional amount for “Operation and Main-  
21 tenance, Army National Guard”, \$378,381,000.

22 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

23 For an additional amount for “Operation and Main-  
24 tenance, Air National Guard”, \$34,422,000.

1                   AFGHANISTAN SECURITY FORCES FUND  
2                   (INCLUDING TRANSFER OF FUNDS)

3           For the “Afghanistan Security Forces Fund”,  
4 \$500,000,000: *Provided*, That such funds shall be avail-  
5 able to the Secretary of Defense, notwithstanding any  
6 other provision of law, for the purpose of allowing the  
7 Commander, Office of Security Cooperation Afghanistan,  
8 or the Secretary’s designee, to provide assistance, with the  
9 concurrence of the Secretary of State, to the security  
10 forces of Afghanistan, including the provision of equip-  
11 ment, supplies, services, training, facility and infrastruc-  
12 ture repair, renovation, and construction, and funding:  
13 *Provided further*, That the authority to provide assistance  
14 under this heading is in addition to any other authority  
15 to provide assistance to foreign nations: *Provided further*,  
16 That the Secretary of Defense may transfer such funds  
17 to appropriations for military personnel; operation and  
18 maintenance; Overseas Humanitarian, Disaster, and Civic  
19 Aid; procurement; research, development, test and evalua-  
20 tion; and defense working capital funds to accomplish the  
21 purposes provided herein: *Provided further*, That this  
22 transfer authority is in addition to any other transfer au-  
23 thority available to the Department of Defense: *Provided*  
24 *further*, That upon a determination that all or part of the  
25 funds so transferred from this appropriation are not nec-

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

20 IRAQ SECURITY FORCES FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For the “Iraq Security Forces Fund”, \$500,000,000:  
23 *Provided*, That such funds shall be available to the Sec-  
24 retary of Defense, notwithstanding any other provision of  
25 law, for the purpose of allowing the Commander, Multi-

1 National Security Transition Command—Iraq, or the Sec-  
2 retary’s designee, to provide assistance, with the concur-  
3 rence of the Secretary of State, to the security forces of  
4 Iraq, including the provision of equipment, supplies, serv-  
5 ices, training, facility and infrastructure repair, renova-  
6 tion, and construction, and funding, and to provide train-  
7 ing, reintegration, education and employment programs  
8 for concerned local citizens, former militia members and  
9 detainees and former detainees: *Provided further*, That the  
10 authority to provide assistance under this heading is in  
11 addition to any other authority to provide assistance to  
12 foreign nations: *Provided further*, That the Secretary of  
13 Defense may transfer such funds to appropriations for  
14 military personnel; operation and maintenance; Overseas  
15 Humanitarian, Disaster, and Civic Aid; procurement; re-  
16 search, development, test and evaluation; and defense  
17 working capital funds to accomplish the purposes provided  
18 herein: *Provided further*, That this transfer authority is  
19 in addition to any other transfer authority available to the  
20 Department of Defense: *Provided further*, That upon a de-  
21 termination that all or part of the funds so transferred  
22 from this appropriation are not necessary for the purposes  
23 provided herein, such amounts may be transferred back  
24 to this appropriation: *Provided further*, That contributions  
25 of funds for the purposes provided herein from any person,

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

16 IRAQ FREEDOM FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For “Iraq Freedom Fund”, \$3,168,000,000, to re-  
19 main available for transfer only to support operations in  
20 Iraq and to fight terrorism: *Provided*, the Secretary of De-  
21 fense and the Director of National Intelligence shall, no  
22 fewer than 30 days prior to making transfers under this  
23 authority, notify the Committees on Appropriations in  
24 writing of the details of any such transfer made for intel-  
25 ligence activities: *Provided further*, That funds transferred

1 shall be merged with and be available for the same pur-  
2 poses and for the same time period as the appropriation  
3 or fund to which transferred.

4 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND  
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Joint Improvised Ex-  
7 plosive Device Defeat Fund”, \$1,638,500,000, to remain  
8 available until September 30, 2010: *Provided*, That such  
9 funds shall be available to the Secretary of Defense, not-  
10 withstanding any other provision of law, for the purpose  
11 of allowing the Director of the Joint Improvised Explosive  
12 Device Defeat Organization to investigate, develop and  
13 provide equipment, supplies, services, training, facilities,  
14 personnel and funds to assist United States forces in the  
15 defeat of improvised explosive devices: *Provided further*,  
16 That within 60 days of enactment of this Act, a plan for  
17 the intended management and use of the Fund is provided  
18 to the congressional defense committees: *Provided further*,  
19 That the Secretary of Defense shall submit a report not  
20 later than 60 days after the end of each fiscal quarter  
21 to the congressional defense committees providing assess-  
22 ments of the evolving threats, individual service require-  
23 ments to counter the threats, individual service require-  
24 ments to counter the threats, the current strategy for  
25 predeployment training of members of the Armed Forces

1 on explosive devices, and details on the execution of this  
2 Fund: *Provided further*, That the Secretary of Defense  
3 may transfer funds provided herein to appropriations for  
4 operation and maintenance; procurement; research, devel-  
5 opment, test and evaluation; and defense working capital  
6 funds to accomplish the purpose provided herein: *Provided*  
7 *further*, That this transfer authority is in addition to any  
8 other transfer authority available to the Department of  
9 Defense: *Provided further*, That upon determination that  
10 all or part of the funds so transferred from this appropria-  
11 tion are not necessary for the purpose provided herein,  
12 such amounts may be transferred back to this appropria-  
13 tion: *Provided further*, That the Secretary of Defense shall,  
14 not fewer than 5 days prior to making transfers from this  
15 appropriation, notify the congressional defense committees  
16 in writing of the details of any such transfer.

## 17 PROCUREMENT

### 18 AIRCRAFT PROCUREMENT, ARMY

19 For an additional amount for “Aircraft Procurement,  
20 Army”, \$302,200,000, to remain available until Sep-  
21 tember 30, 2010.

### 22 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

#### 23 VEHICLES, ARMY

24 For an additional amount for “Procurement of Weap-  
25 ons and Tracked Combat Vehicles, Army”,

1 \$1,574,217,000, to remain available until September 30,  
2 2010.

3           PROCUREMENT OF AMMUNITION, ARMY

4       For an additional amount for “Procurement of Am-  
5 munition, Army”, \$154,000,000, to remain available until  
6 September 30, 2010.

7           OTHER PROCUREMENT, ARMY

8       For an additional amount for “Other Procurement,  
9 Army”, \$1,976,100,000, to remain available until Sep-  
10 tember 30, 2010.

11           AIRCRAFT PROCUREMENT, NAVY

12       For an additional amount for “Aircraft Procurement,  
13 Navy”, \$25,300,000, to remain available until September  
14 30, 2010.

15           OTHER PROCUREMENT, NAVY

16       For an additional amount for “Other Procurement,  
17 Navy”, \$88,281,000, to remain available until September  
18 30, 2010.

19           PROCUREMENT, MARINE CORPS

20       For an additional amount for “Procurement, Marine  
21 Corps”, \$729,232,000, to remain available until Sep-  
22 tember 30, 2010.

1                   AIRCRAFT PROCUREMENT, AIR FORCE

2           For an additional amount for “Aircraft Procurement,  
3 Air Force”, \$147,800,000, to remain available until Sep-  
4 tember 30, 2010.

5                   OTHER PROCUREMENT, AIR FORCE

6           For an additional amount for “Other Procurement,  
7 Air Force”, \$42,125,000, to remain available until Sep-  
8 tember 30, 2010.

9                   PROCUREMENT, DEFENSE-WIDE

10          For an additional amount for “Procurement, De-  
11 fense-Wide”, \$102,588,000, to remain available until Sep-  
12 tember 30, 2010.

13   OTHER DEPARTMENT OF DEFENSE PROGRAMS

14                   DEFENSE HEALTH PROGRAM

15          For an additional amount for “Defense Health Pro-  
16 gram”, \$649,001,000; of which \$599,001,000 shall be for  
17 operation and maintenance; and of which \$50,000,000  
18 shall be for research, development, test and evaluation, to  
19 remain available until September 30, 2009, only for peer  
20 reviewed research on traumatic brain injury and psycho-  
21 logical health, including post-traumatic stress disorder.

22                   GENERAL PROVISIONS

23          SEC. 201. Appropriations provided in this Act are  
24 available for obligation until September 30, 2008, unless  
25 otherwise provided in this Act.

1 (TRANSFER OF FUNDS)

2 SEC. 202. (a) Upon a determination by the Secretary  
3 of Defense that such action is necessary in the national  
4 interest, the Secretary may transfer between appropria-  
5 tions up to \$4,000,000,000 of the funds made available  
6 to the Department of Defense in this Act.

7 (b) The Secretary shall notify the Congress promptly  
8 of each transfer made pursuant to the authority in this  
9 section.

10 (c) The authority provided in this section is in addi-  
11 tion to any other transfer authority available to the De-  
12 partment of Defense and is subject to the same terms and  
13 conditions as the authority provided in section 8005 of the  
14 Department of Defense Appropriations Act, 2008, except  
15 for the fourth proviso.

16 SEC. 203. Funds appropriated in this Act, or made  
17 available by the transfer of funds in or pursuant to this  
18 Act, for intelligence activities are deemed to be specifically  
19 authorized by the Congress for purposes of section  
20 504(a)(1) of the National Security Act of 1947 (50 U.S.C.  
21 414(a)(1)).

22 SEC. 204. None of the funds provided in this Act may  
23 be used to finance programs or activities denied by the  
24 Congress in fiscal years 2007 or 2008 appropriations to  
25 the Department of Defense or to initiate a procurement

1 or research, development, test and evaluation new start  
2 program unless such program or project must be under-  
3 taken immediately in the interest of national security and  
4 after written prior notification to the congressional de-  
5 fense committees.

6 SEC. 205. (a) From funds made available for oper-  
7 ation and maintenance in this Act to the Department of  
8 Defense, not to exceed \$500,000,000 may be used, not-  
9 withstanding any other provision of law, to fund the Com-  
10 mander's Emergency Response Program, for the purpose  
11 of enabling military commanders in Iraq and Afghanistan  
12 to respond to urgent humanitarian relief and reconstruc-  
13 tion requirements within their areas of responsibility by  
14 carrying out programs that will immediately assist the  
15 Iraqi and Afghan people.

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

24 SEC. 206. (a) During fiscal year 2008, funds avail-  
25 able in this Act to the Department of Defense for oper-

1 ation and maintenance may be used, notwithstanding any  
2 other provision of law, to provide supplies, services, trans-  
3 portation, including airlift and sealift, and other logistical  
4 support to Coalition forces supporting military and sta-  
5 bility operations in Iraq and Afghanistan.

6 (b) The Secretary of Defense shall provide quarterly  
7 reports to the congressional defense committees regarding  
8 support provided under this section.

9 SEC. 207. (a) Supervision and administration costs  
10 associated with a construction project funded with appro-  
11 priations available for operation and maintenance, Af-  
12 ghanistan Security Forces Fund, or Iraq Security Forces  
13 Fund, and executed in direct support of the Global War  
14 on Terror only in Iraq and Afghanistan, may be obligated  
15 at the time a construction contract is awarded.

16 (b) For purposes of this section, the term “super-  
17 vision and administration costs” includes all in-house Gov-  
18 ernment costs.

19 SEC. 208. Each amount appropriated or otherwise  
20 provided in this Act is designated as an emergency re-  
21 quirement and necessary to meet emergency needs pursu-  
22 ant to subsections (a) and (b) of section 204 of S. Con.  
23 Res. 21 (110th Congress), the concurrent resolution on  
24 the budget for fiscal year 2008.

1           SEC. 209. (a) Not later than January 15, 2008 and  
2 every 90 days thereafter through the end of fiscal year  
3 2008, the Secretary of Defense shall set forth in a report  
4 to the Congress a comprehensive set of performance indi-  
5 cators and measures for progress toward military and po-  
6 litical stability in Iraq.

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

11          (c) The report shall include, at a minimum, the fol-  
12 lowing specific provisions:

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

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

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

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

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

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

14 (i) unemployment levels;

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

17 (iii) hunger and poverty levels.

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

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

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

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

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

12                 (i)     capable     of     conducting  
13                 counterinsurgency operations independ-  
14                 ently, without any support from Coalition  
15                 forces;

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

20                 (iii)  not     ready    to     conduct  
21                 counterinsurgency operations.

22          (D) The amount and type of support pro-  
23          vided by Coalition forces to the Iraqi Security  
24          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) Key criteria for assessing the capabili-  
11 ties and readiness of the Iraqi police and other  
12 Ministry of Interior forces, goals for achieving  
13 certain capability and readiness levels (as well  
14 as for recruiting, training, and equipping), and  
15 the milestones and notional timetable for  
16 achieving these goals, including—

17 (i) the number of police recruits that  
18 have received classroom training and the  
19 duration of such instruction;

20 (ii) the number of veteran police offi-  
21 cers who have received classroom instruc-  
22 tion and the duration of such instruction;

23 (iii) the number of police candidates  
24 screened by the Iraqi Police Screening  
25 Service, the number of candidates derived

1 from other entry procedures, and the suc-  
2 cess rates of those groups of candidates;

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

7 (v) attrition rates and measures of ab-  
8 senteeism and infiltration by insurgents;  
9 and

10 (vi) the level and effectiveness of the  
11 Iraqi Police and other Ministry of Interior  
12 forces in provinces where the United  
13 States has formally transferred responsi-  
14 bility for the security of the province to the  
15 Iraqi Security forces under the Provincial  
16 Iraqi Control (PIC) process.

17 (I) The estimated total number of Iraqi  
18 battalions needed for the Iraqi Security forces  
19 to perform duties now being undertaken by Co-  
20 alition forces, including defending the borders  
21 of Iraq and providing adequate levels of law  
22 and order throughout Iraq.

23 (J) The effectiveness of the Iraqi military  
24 and police officer cadres and the chain of com-  
25 mand.

1           (K) The number of United States and Co-  
2           alition advisors needed to support the Iraqi Se-  
3           curity forces and associated ministries.

4           (L) An assessment, in a classified annex if  
5           necessary, of United States military require-  
6           ments, including planned force rotations,  
7           through the end of calendar year 2008.

8           SEC. 210. None of the funds appropriated or other-  
9           wise made available by this or any other Act shall be obli-  
10          gated or expended by the United States Government for  
11          a purpose as follows:

12           (1) To establish any military installation or  
13          base for the purpose of providing for the permanent  
14          stationing of United States Armed Forces in Iraq.

15           (2) To exercise United States control over any  
16          oil resource of Iraq.

17          SEC. 211. None of the funds appropriated or other-  
18          wise made available by this Act may be obligated or ex-  
19          pended to provide award fees to any defense contractor  
20          contrary to the provisions of section 814 of the John War-  
21          ner National Defense Authorization Act for Fiscal Year  
22          2007 (Public Law 109–364).

23          SEC. 212. During the current fiscal year, appropria-  
24          tions made available to the Department of Defense for op-  
25          eration and maintenance in this Act may, upon determina-

1 tion by the Secretary of Defense that such action is nec-  
2 essary to meet the operational requirements of a Com-  
3 mander of Combatant Command engaged in contingency  
4 operations overseas, be used to purchase items having an  
5 investment item cost of not more than \$500,000.

6 SEC. 213. Section 3303(c) of Public Law 110–28  
7 shall apply to funds appropriated in this Act.

8 This Act may be cited as the “Orderly and Respon-  
9 sible Iraq Redeployment Appropriations Act, 2008”.