

**AMENDMENT TO THE SENATE AMENDMENT TO  
H.R. 2764**

Page 227 of the amendment of the Senate, strike lines 3 through 5 and insert the following (and conform any table of contents accordingly):

1 DIVISION L—EMERGENCY SUPPLEMENTAL AP-  
2 PROPRIATIONS FOR OPERATION ENDURING  
3 FREEDOM AND FOR OTHER PURPOSES

4 TITLE I

5 SEC. 101. It is the sense of the Congress that the  
6 performance of United States military personnel should be  
7 commended, their courage and sacrifice have been excep-  
8 tional, and when they come home, their service should be  
9 recognized appropriately.

10 SEC. 102. None of the funds made available in this  
11 Act may be used in contravention of the following laws  
12 enacted or regulations promulgated to implement the  
13 United Nations Convention Against Torture and Other  
14 Cruel, Inhuman or Degrading Treatment or Punishment  
15 (done at New York on December 10, 1984)—

16 (1) section 2340A of title 18, United States  
17 Code;

1           (2) section 2242 of the Foreign Affairs Reform  
2           and Restructuring Act of 1998 (division G of Public  
3           Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231  
4           note) and regulations prescribed thereto, including  
5           regulations under part 208 of title 8, Code of Fed-  
6           eral Regulations, and part 95 of title 22, Code of  
7           Federal Regulations; and

8           (3) sections 1002 and 1003 of the Department  
9           of Defense, Emergency Supplemental Appropriations  
10          to Address Hurricanes in the Gulf of Mexico, and  
11          Pandemic Influenza Act, 2006 (Public Law 109–  
12          148).

13          SEC. 103. Not later than February 15, 2008, the  
14          President shall submit to the Congress in classified and  
15          unclassified form a comprehensive regional stability plan  
16          for the Middle East, which shall include a military, diplo-  
17          matic, political and economic strategy that provides for the  
18          national security interests of the United States in the re-  
19          gion and for the engagement of targeted counterterrorism  
20          operations. The plan shall include a detailed description  
21          of the projected United States military force presence in  
22          and around the Middle East region for the 5-year period  
23          beginning on October 1, 2008.

24          SEC. 104. None of the funds provided in this Act  
25          shall be available to fund Operation Iraqi Freedom. The

1 prohibition in this section shall not apply to the purchase  
2 or fielding of body armor and other force protection items  
3 to protect United States military and civilian personnel  
4 in the areas of operation.

5 TITLE II

6 DEPARTMENT OF DEFENSE—MILITARY

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For an additional amount for “Military Personnel,  
10 Army”, \$311,471,000.

11 MILITARY PERSONNEL, MARINE CORPS

12 For an additional amount for “Military Personnel,  
13 Marine Corps”, \$19,058,000.

14 OPERATION AND MAINTENANCE

15 OPERATION AND MAINTENANCE, ARMY

16 For an additional amount for “Operation and Main-  
17 tenance, Army”, \$17,797,966,000: *Provided*, That funds  
18 made available under this heading shall be used only in  
19 support of Operation Enduring Freedom.

20 OPERATION AND MAINTENANCE, NAVY

21 For an additional amount for “Operation and Main-  
22 tenance, Navy”, \$350,000,000.

23 OPERATION AND MAINTENANCE, MARINE CORPS

24 For an additional amount for “Operation and Main-  
25 tenance, Marine Corps”, \$2,010,671,000: *Provided*, That

1 funds made available under this heading shall be used only  
2 in support of Operation Enduring Freedom.

3 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for "Operation and Main-  
5 tenance, Air Force", \$800,000,000.

6 OPERATION AND MAINTENANCE, DEFENSE-WIDE

7 For an additional amount for "Operation and Main-  
8 tenance, Defense-Wide", \$483,000,000, of which not to  
9 exceed \$333,000,000, to remain available until expended,  
10 may be used for payments to reimburse key cooperating  
11 nations, for logistical, military, and other support provided  
12 to United States military operations, notwithstanding any  
13 other provision of law: *Provided*, That such payments may  
14 be made in such amounts as the Secretary of Defense,  
15 with the concurrence of the Secretary of State and in con-  
16 sultation with the Director of the Office of Management  
17 and Budget, may determine, in his discretion, based on  
18 documentation determined by the Secretary of Defense to  
19 adequately account for the support provided, and such de-  
20 termination is final and conclusive upon the accounting  
21 officers of the United States, and 15 days following notifi-  
22 cation to the appropriate congressional committees: *Pro-*  
23 *vided further*, That the Secretary of Defense shall provide  
24 quarterly reports to the congressional defense committees  
25 on the use of funds provided in this paragraph.

## 1 AFGHANISTAN FREEDOM FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For "Afghanistan Freedom Fund", \$2,529,963,000,  
4 to remain available for transfer only to support operations  
5 in Afghanistan and related activities in support of the  
6 Global War on Terror: *Provided*, That none of the funds  
7 provided herein shall be used for activities in Iraq: *Pro-*  
8 *vided further*, That the Secretary of Defense and the Di-  
9 rector of National Intelligence shall, no fewer than 30 days  
10 prior to making transfers under this authority, notify the  
11 Committees on Appropriations of the House of Represent-  
12 atives and the Senate in writing of the details of any such  
13 transfer made for intelligence activities: *Provided further*,  
14 That funds transferred shall be merged with and be avail-  
15 able for the same purposes and for the same time period  
16 as the appropriation or fund to which transferred: *Pro-*  
17 *vided further*, That this transfer authority is in addition  
18 to any other transfer authority available to the Depart-  
19 ment of Defense.

## 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", \$4,269,000,000: *Provided*,  
24 That such funds shall be available to the Secretary of De-  
25 fense, notwithstanding any other provision of law, for the

1 purpose of allowing the Director of the Joint Improvised  
2 Explosive Device Defeat Organization to investigate, de-  
3 velop and provide equipment, supplies, services, training,  
4 facilities, personnel and funds to assist United States  
5 forces in the defeat of improvised explosive devices: *Pro-*  
6 *vided further*, That within 60 days of enactment of this  
7 Act, a plan for the intended management and use of the  
8 Fund is provided to the congressional defense committees:  
9 *Provided further*, That the Secretary of Defense shall sub-  
10 mit a report not later than 60 days after the end of each  
11 fiscal quarter to the congressional defense committees pro-  
12 viding assessments of the evolving threats, individual serv-  
13 ice requirements to counter the threats, the current strat-  
14 egy for pre-deployment training of members of the Armed  
15 Forces on explosive devices, and details on the execution  
16 of this Fund: *Provided further*, That the Secretary of De-  
17 fense may transfer funds provided herein to appropria-  
18 tions for operation and maintenance; procurement; re-  
19 search, development, test and evaluation; and defense  
20 working capital funds to accomplish the purpose provided  
21 herein: *Provided further*, That this transfer authority is  
22 in addition to any other transfer authority available to the  
23 Department of Defense: *Provided further*, That upon de-  
24 termination that all or part of the funds so transferred  
25 from this appropriation are not necessary for the purpose

1 provided herein, such amounts may be transferred back  
2 to this appropriation: *Provided further*, That the Secretary  
3 of Defense shall, not fewer than 5 days prior to making  
4 transfers from this appropriation, notify the congressional  
5 defense committees in writing of the details of any such  
6 transfer.

## 7 PROCUREMENT

### 8 PROCUREMENT OF WEAPONS AND TRACKED COMBAT 9 VEHICLES, ARMY

10 For an additional amount for “Procurement of Weap-  
11 ons and Tracked Combat Vehicles, Army”,  
12 \$1,176,000,000.

### 13 OTHER PROCUREMENT, ARMY

14 For an additional amount for “Other Procurement,  
15 Army”, \$524,800,000.

### 16 PROCUREMENT, MARINE CORPS

17 For an additional amount for “Procurement, Marine  
18 Corps”, \$644,150,000.

## 19 OTHER DEPARTMENT OF DEFENSE PROGRAMS

### 20 DEFENSE HEALTH PROGRAM

21 For an additional amount for “Defense Health Pro-  
22 gram”, \$114,600,000, for operation and maintenance, for  
23 care for wounded and injured military personnel and for  
24 enhanced soldier and family support including psycho-  
25 logical health.



1        SEC. 204. None of the funds provided in this Act may  
2 be used to finance programs or activities denied by the  
3 Congress in fiscal years 2007 or 2008 appropriations to  
4 the Department of Defense or to initiate a procurement  
5 or research, development, test and evaluation new start  
6 program unless such program or project must be under-  
7 taken immediately in the interest of national security and  
8 only after written prior notification to the congressional  
9 defense committees.

10        SEC. 205. (a) From funds made available for oper-  
11 ation and maintenance in this Act to the Department of  
12 Defense, not to exceed \$500,000,000 may be used, not-  
13 withstanding any other provision of law, to fund the Com-  
14 mander's Emergency Response Program, for the purpose  
15 of enabling military commanders in Afghanistan to re-  
16 spond to urgent humanitarian relief and reconstruction re-  
17 quirements within their areas of responsibility by carrying  
18 out programs that will immediately assist the Afghan peo-  
19 ple.

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

1 sion of law for the purposes of the programs under sub-  
2 section (a).

3 SEC. 206. (a) During fiscal year 2008, funds avail-  
4 able in this Act to the Department of Defense for oper-  
5 ation and maintenance may be used, notwithstanding any  
6 other provision of law, to provide supplies, services, trans-  
7 portation, including airlift and sealift, and other logistical  
8 support to Coalition forces supporting military and sta-  
9 bility operations in Afghanistan.

10 (b) The Secretary of Defense shall provide quarterly  
11 reports to the congressional defense committees regarding  
12 support provided under this section.

13 SEC. 207. Of the funds appropriated within Public  
14 Law 110–116, not less than \$6,900,000,000 of the funds  
15 appropriated under the heading “Operation and Mainte-  
16 nance, Army” and not less than \$500,000,000 under the  
17 heading “Operation and Maintenance, Marine Corps”  
18 shall be available only to support child care center oper-  
19 ations, family and youth activities, custodial services,  
20 training range operations, family advocacy programs, base  
21 force protection activities and military recruiting pro-  
22 grams, to include pay for civilian employees of the Depart-  
23 ment of Defense.

24 SEC. 208. Each amount appropriated or otherwise  
25 provided in this Act is designated as an emergency re-

1 quirement and necessary to meet emergency needs pursu-  
2 ant to subsections (a) and (b) of section 204 of S. Con.  
3 Res. 21 (110th Congress), the concurrent resolution on  
4 the budget for fiscal year 2008.

5       This Act may be cited as the “Operation Enduring  
6 Freedom Emergency Appropriations Act, 2008”.