

In the House of Representatives, U. S.,

May 15, 2008.

Resolved, That the House agree 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

HOUSE AMENDMENTS TO SENATE AMENDMENT:

(1) Page 60 of the Senate engrossed amendment, after line 3, insert the following:

1 *TITLE X—POLICY REGARDING OPERATIONS IN*

2 *IRAQ*

3 *SENSE OF CONGRESS REGARDING UNITED STATES*

4 *MILITARY PERSONNEL*

5 *SEC. 10001. 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.*

1 *UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION*
2 *CAPABLE*

3 *SEC. 10002. (a) The Congress finds that it is the policy*
4 *of the Department of Defense that units should not be de-*
5 *ployed for combat unless they are rated “fully mission capa-*
6 *ble”.*

7 *(b) None of the funds made available in this or any*
8 *other Act may be used to deploy any unit of the Armed*
9 *Forces to Iraq unless the President has certified in writing*
10 *to the Committees on Appropriations and the Committees*
11 *on Armed Services of the House of Representatives and the*
12 *Senate at least 15 days in advance of the deployment that*
13 *the unit is fully mission capable in advance of entry into*
14 *Iraq.*

15 *(c) For purposes of subsection (b), the term “fully mis-*
16 *sion capable” means capable of performing assigned mis-*
17 *sion essential tasks to the prescribed standards under the*
18 *conditions expected in the theater of operation, consistent*
19 *with the guidelines set forth in the DoD Directive 7730.65,*
20 *Subject: Department of Defense Readiness Reporting Sys-*
21 *tem; the Interim Force Allocation Guidance to the Global*
22 *Force Management Board, dated February 6, 2008; and*
23 *Army Regulation 220–1, Subject: Unit Status Reporting,*
24 *dated December 19, 2006.*

1 (d) *The President, by certifying in writing to the Com-*
2 *mittees on Appropriations and the Committees on Armed*
3 *Services of the House of Representatives and the Senate that*
4 *the deployment to Iraq of a unit that is not assessed mission*
5 *capable is required for reasons of national security and by*
6 *submitting along with the certification a report in classified*
7 *and unclassified form detailing the particular reason or*
8 *reasons why the unit's deployment is necessary despite the*
9 *unit commander's assessment that the unit is not mission*
10 *capable, may waive the limitations prescribed in subsection*
11 *(b) on a unit-by-unit basis.*

12 *TIME LIMIT ON COMBAT DEPLOYMENTS*

13 *SEC. 10003. (a) The Congress finds that it is the policy*
14 *of the Department of Defense that Army, Army Reserve,*
15 *and National Guard units should not be deployed for com-*
16 *bat beyond 365 days and that Marine Corps and Marine*
17 *Corps Reserve units should not be deployed for combat be-*
18 *yond 210 days.*

19 *(b) None of the funds made available in this or any*
20 *other Act may be obligated or expended to initiate the devel-*
21 *opment of, continue the development of, or execute any order*
22 *that has the effect of extending the deployment for Operation*
23 *Iraqi Freedom of—*

24 *(1) any unit of the Army, Army Reserve, or*
25 *Army National Guard beyond 365 days; or*

1 (2) *any unit of the Marine Corps or Marine*
2 *Corps Reserve beyond 210 days.*

3 (c) *The limitation prescribed in subsection (b) shall*
4 *not be construed to require force levels in Iraq to be de-*
5 *creased below the total United States force levels in Iraq*
6 *as of January 9, 2007.*

7 (d) *The President may waive the limitations pre-*
8 *scribed in subsection (b) on a unit-by-unit basis if the*
9 *President certifies in writing to the Committees on Appro-*
10 *priations and the Committees on Armed Services of the*
11 *House of Representatives and the Senate that the extension*
12 *of a unit's deployment in Iraq beyond the period applicable*
13 *to the unit under such subsection is required for reasons*
14 *of national security. The certification shall include a report,*
15 *in classified and unclassified form, detailing the particular*
16 *reason or reasons why the unit's extended deployment is*
17 *necessary.*

18 *DWELL TIME BETWEEN COMBAT DEPLOYMENTS*

19 SEC. 10004. (a) *The Congress finds that it is the policy*
20 *of the Department of Defense that an Army, Army Reserve,*
21 *or National Guard unit should not be redeployed for combat*
22 *if the unit has been deployed within the previous 365 con-*
23 *secutive days and that a Marine Corps or Marine Corps*
24 *Reserve unit should not be redeployed for combat if the unit*
25 *has been deployed within the previous 210 days.*

1 (b) None of the funds made available in this or any
2 other Act may be obligated or expended to initiate the devel-
3 opment of, continue the development of, or execute any order
4 that has the effect of deploying for Operation Iraqi Freedom
5 of—

6 (1) any unit of the Army, Army Reserve, or
7 Army National Guard if such unit has been deployed
8 within the previous 365 consecutive days; or

9 (2) any unit of the Marine Corps or Marine
10 Corps Reserve if such unit has been deployed within
11 the previous 210 consecutive days.

12 (c) The limitation prescribed in subsection (b) shall
13 not be construed to require force levels in Iraq to be de-
14 creased below the total United States force levels in Iraq
15 as of January 9, 2007.

16 (d) The President may waive the limitations pre-
17 scribed in subsection (b) on a unit-by-unit basis if the
18 President certifies in writing to the Committees on Appro-
19 priations and the Committees on Armed Services of the
20 House of Representatives and the Senate that the redeploy-
21 ment of a unit to Iraq in advance of the expiration of the
22 period applicable to the unit under such subsection is re-
23 quired for reasons of national security. The certification
24 shall include a report, in classified and unclassified form,

1 *detailing the particular reason or reasons why the unit's*
2 *early redeployment is necessary.*

3 *LIMITATION ON INTERROGATION TECHNIQUES*

4 *SEC. 10005. (a) No individual in the custody or under*
5 *the effective control of an element of the intelligence commu-*
6 *nity or instrumentality thereof, regardless of nationality or*
7 *physical location, shall be subject to any treatment or tech-*
8 *nique of interrogation not authorized by the United States*
9 *Army Field Manual on Human Intelligence Collector Oper-*
10 *ations.*

11 *(b) In this section, the term "instrumentality", with*
12 *respect to an element of the intelligence community, means*
13 *a contractor or subcontractor at any tier of the element of*
14 *the intelligence community.*

15 *REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF*
16 *THE RED CROSS*

17 *SEC. 10006. (a) None of the funds appropriated or oth-*
18 *erwise made available in this or any other Act may be used*
19 *to detain any individual who is in the custody or under*
20 *the effective control of an element of the intelligence commu-*
21 *nity or an instrumentality thereof unless the International*
22 *Committee of the Red Cross is provided notification of the*
23 *detention of and access to such person in a timely manner*
24 *and consistent with the practices of the Armed Forces of*
25 *the United States.*

1 (b) *For purposes of this section, the term “instrument-*
2 *ality”, with respect to an element of the intelligence com-*
3 *munity, means a contractor or subcontractor at any tier*
4 *of the element of the intelligence community.*

5 (c) *Nothing in this section shall be construed to create*
6 *or otherwise imply the authority to detain, or to limit or*
7 *otherwise affect any other rights or obligations which may*
8 *arise under the Geneva Conventions or other laws, or to*
9 *state all of the situations under which notification to and*
10 *access for the International Committee of the Red Cross is*
11 *required or allowed.*

12 *PROHIBITION OF PERMANENT BASES IN IRAQ*

13 *SEC. 10007. None of the funds appropriated or other-*
14 *wise made available in this or any other Act may be obli-*
15 *gated or expended by the United States Government for a*
16 *purpose as follows:*

17 (1) *To establish any military installation or base*
18 *for the purpose of providing for the permanent sta-*
19 *tioning of United States Armed Forces in Iraq.*

20 (2) *To exercise United States control over any*
21 *oil resource of Iraq.*

22 *LIMITATION ON DEFENSE AGREEMENTS WITH THE*

23 *GOVERNMENT OF IRAQ*

24 *SEC. 10008. (a) None of the funds appropriated or oth-*
25 *erwise made available in this or any other Act may be used*
26 *to negotiate, enter into, or implement any agreement with*

1 *the Government of Iraq that includes security assurances*
2 *for mutual defense, unless the agreement—*

3 *(1) is in the form of a treaty requiring the ad-*
4 *vice and consent of the Senate (or is intended to take*
5 *that form in the case of an agreement under negotia-*
6 *tion); or*

7 *(2) is specifically authorized by a law enacted*
8 *after the date of enactment of this Act.*

9 *(b) For purposes of this section, an agreement shall*
10 *be considered to include security assurances for mutual de-*
11 *fense if it includes provisions addressing any of the fol-*
12 *lowing:*

13 *(1) A binding commitment to deploy United*
14 *States Armed Forces in defense of Iraq, or of any gov-*
15 *ernment or faction in Iraq, against any foreign or do-*
16 *mestic threat.*

17 *(2) The number of United States Armed Forces*
18 *personnel to be deployed to, or stationed in, Iraq.*

19 *(3) The mission of United States Armed Forces*
20 *deployed to Iraq.*

21 *(4) The duration of the presence of United States*
22 *Armed Forces in Iraq.*

23 *PROHIBITION ON AGREEMENTS SUBJECTING ARMED*
24 *FORCES TO IRAQI CRIMINAL JURISDICTION*

25 *SEC. 10009. None of the funds appropriated or other-*
26 *wise made available in this or any other Act may be used*

1 *to negotiate, enter into, or implement an agreement with*
2 *the Government of Iraq that would subject members of the*
3 *Armed Forces of the United States to the jurisdiction of*
4 *Iraq criminal courts or punishment under Iraq law.*

5 *REQUIREMENT FOR MATCHING FUNDS FROM GOVERNMENT*
6 *OF IRAQ*

7 *SEC. 10010. (a) Notwithstanding any other provision*
8 *of law, funds appropriated or otherwise made available in*
9 *this or any other Act for assistance for Iraq, including*
10 *training, capacity building, and construction and repair*
11 *of infrastructure, shall be available only to the extent that*
12 *the Government of Iraq matches such assistance on a dollar-*
13 *for-dollar basis.*

14 *(b) subsection (a) shall not apply to—*

15 *(1) grants and cooperative agreements for pro-*
16 *grams to promote democracy and human rights;*

17 *(2) the Community Action Program and other*
18 *direct assistance to non-governmental organizations;*

19 *(3) humanitarian demining;*

20 *(4) assistance for refugees, internally displaced*
21 *persons, and civilian victims of military operations;*

22 *(5) intelligence or intelligence-related activities;*

23 *or*

24 *(6) projects with an estimated cost of less than*
25 *\$750,000 undertaken through the Commander's Emer-*
26 *gency Response Program.*

1 (c) *The Secretary of State and the Secretary of Defense*
2 *shall certify to the Committees on Appropriations of the*
3 *House of Representatives and Senate, prior to the initial*
4 *obligation by their respective Departments of funds covered*
5 *by the limitation in subsection (a), that the Government*
6 *of Iraq has committed to obligate matching funds on a dol-*
7 *lar-for-dollar basis. The Secretary of State shall submit a*
8 *report to the Committees on Appropriations not later than*
9 *September 30, 2009 detailing the amounts of funds obli-*
10 *gated and expended by the Government of Iraq to meet the*
11 *requirements of this section.*

12 (d) *Not later than 45 days after enactment of this Act,*
13 *the Secretary of State shall submit a report to the Commit-*
14 *tees on Appropriations detailing the amounts provided by*
15 *the Government of Iraq since June 30, 2004, to assist Iraqi*
16 *refugees in Syria, Jordan, and elsewhere, and the amount*
17 *of such assistance the Government of Iraq plans to provide*
18 *in fiscal year 2008. The Secretary shall work expeditiously*
19 *with the Government of Iraq to establish an account within*
20 *its annual budget sufficient to, at a minimum, match*
21 *United States contributions on a dollar-for-dollar basis to*
22 *organizations and programs for the purpose of assisting*
23 *Iraqi refugees.*

24 (e) *As part of the report required by section 609 of*
25 *division L of the Consolidated Appropriations Act, 2008*

1 *(Public Law 110–161), the Secretary of Defense shall sub-*
2 *mit to Congress a report on the most recent annual budget*
3 *for the Government of Iraq, including—*

4 (1) *a description of amounts budgeted for sup-*
5 *port of Iraqi security and police forces and an assess-*
6 *ment of how planned funding will impact the train-*
7 *ing, equipping and overall readiness of those forces;*

8 (2) *an assessment of the capacity of the Govern-*
9 *ment of Iraq to implement the budget as planned, in-*
10 *cluding reports on year-to-year spend rates, if avail-*
11 *able; and*

12 (3) *a description of any budget surplus or def-*
13 *icit, if applicable.*

14 *PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS*

15 *SEC. 10011. (a) None of the funds made available in*
16 *this Act under the heading “Operation and Maintenance,*
17 *Defense-Wide” for the Office of the Secretary of Defense or*
18 *Washington Headquarters Services may be obligated or ex-*
19 *pendent until the agreement described in subsection (b)(1)*
20 *is complete and the report required by subsection (b)(2) has*
21 *been transmitted to Congress, except that the limitation in*
22 *this subsection may be waived if the President determines*
23 *and certifies to the Committees on Appropriations of the*
24 *House of Representatives and Senate that such waiver is*
25 *in the national security interests of the United States.*

1 (b) Not later than 90 days after enactment of this Act,
2 the President shall—

3 (1) complete an agreement with the Government
4 of Iraq to subsidize fuel costs for United States Armed
5 Forces operating in Iraq so the price of fuel per gal-
6 lon to those forces is equal to the discounted price per
7 gallon at which the Government of Iraq is providing
8 fuel for domestic Iraqi consumption; and

9 (2) transmit a report to the Committees on Ap-
10 propriations on the details and terms of that agree-
11 ment.

12 (c) Amounts received from the Government of Iraq
13 under an agreement described in subsection (b)(1) shall be
14 credited to the appropriations or funds that incurred obli-
15 gations for the fuel costs being subsidized, as determined
16 by the Secretary of Defense.

17 *TIMETABLE FOR REDEPLOYMENT OF UNITED STATES*

18 *FORCES FROM IRAQ*

19 *SEC. 10012. (a) Notwithstanding any other provision*
20 *of law, funds appropriated or otherwise made available in*
21 *this Act may be used to plan and execute a safe and orderly*
22 *redeployment of United States Armed Forces from Iraq.*

23 (b) Within 30 days after enactment of this Act, the
24 President shall commence an immediate and orderly rede-
25 ployment of United States Armed Forces from Iraq, with
26 a goal of completing such redeployment within 18 months.

1 *The President shall endeavor to begin such redeployment*
2 *with units of the Armed Forces that have been deployed in*
3 *excess of 365 days, except to the extent those units are need-*
4 *ed to provide for the safe withdrawal of other units of the*
5 *Armed Forces or to protect United States and Coalition*
6 *personnel and infrastructure.*

7 *(c) After completion of the redeployment required by*
8 *subsection (b), members of the United States Armed Forces*
9 *may be deployed to, or maintained in, Iraq only to the ex-*
10 *tent necessary to carry out the following missions:*

11 *(1) Protecting the diplomatic facilities, Armed*
12 *Forces, and citizens of the United States in Iraq.*

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

16 *(3) Engaging in targeted counterterrorism oper-*
17 *ations against al-Qaeda, groups affiliated with al-*
18 *Qaeda, and other terrorist organizations in Iraq.*

19 *(d) Not later than July 1, 2008, and every 90 days*
20 *thereafter, the Secretary of Defense shall submit to the con-*
21 *gressional defense committees a report setting forth the fol-*
22 *lowing:*

23 *(1) The current plan for and the status of the re-*
24 *duction of United States Armed Forces in Iraq and*
25 *the transition of the Armed Forces in Iraq to a lim-*

1 *ited presence whose missions do not exceed the mis-*
2 *sions specified in subsection (c), including the associ-*
3 *ated force reductions and adjustments and expecta-*
4 *tions with respect to timelines and the force levels an-*
5 *ticipated to perform those missions.*

6 (2) *A comprehensive current description of efforts*
7 *to prepare for the reduction and transition of United*
8 *States Armed Forces in Iraq in accordance with this*
9 *section and to limit any destabilizing consequences of*
10 *such reduction and transition, including a descrip-*
11 *tion of efforts to work with the United Nations and*
12 *countries in the region toward that objective.*

13 (e) *Not later than 45 days after enactment of this Act,*
14 *the Secretary of State shall provide to the Committees on*
15 *Appropriations of the House of Representatives and Senate*
16 *a strategy for civilian-led post-conflict stabilization and re-*
17 *construction assistance for Iraq. The strategy (which may*
18 *be provided in classified form if necessary) shall include—*

19 (1) *the plans and timetable for transfer of all re-*
20 *sponsibility for United States post-conflict stabiliza-*
21 *tion and reconstruction assistance from the Depart-*
22 *ment of Defense to the Department of State and the*
23 *United States Agency for International Development;*
24 *and*

1 (2) *the staff, security and resource requirements*
2 *for United States diplomatic efforts and assistance*
3 *programs in Iraq.*

4 *TITLE XI—REFORMS RELATED TO WAR*

5 *PROFITEERING AND CONTRACTORS*

6 *CHAPTER 1—ADJUSTMENT OF WARTIME*

7 *STATUTE OF LIMITATIONS*

8 *ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS*

9 *SEC. 11101. Section 3287 of title 18, United States*
10 *Code, is amended—*

11 (1) *by inserting “or Congress has enacted a spe-*
12 *cific authorization for the use of the Armed Forces, as*
13 *described in section 5(b) of the War Powers Resolu-*
14 *tion (50 U.S.C. 1544(b)),” after “is at war”;*

15 (2) *by inserting “or directly connected with or*
16 *related to the authorized use of the Armed Forces”*
17 *after “prosecution of the war”;*

18 (3) *by striking “three years” and inserting “5*
19 *years”;*

20 (4) *by striking “proclaimed by the President”*
21 *and inserting “proclaimed by a Presidential procla-*
22 *mation, with notice to Congress,”; and*

23 (5) *by adding at the end the following: “For pur-*
24 *poses of applying such definitions in this section, the*
25 *term ‘war’ includes a specific authorization for the*

1 *use of the Armed Forces, as described in section 5(b)*
 2 *of the War Powers Resolution (50 U.S.C. 1544(b)).”.*

3 *CHAPTER 2—WAR PROFITEERING AND FRAUD*

4 *WAR PROFITEERING AND FRAUD*

5 *SEC. 11201. (a) PROHIBITION ON WAR PROFIT-*
 6 *EERING.—*

7 *(1) IN GENERAL.—Chapter 47 of title 18, United*
 8 *States Code, is amended by adding at the end the fol-*
 9 *lowing:*

10 **“§ 1041. War profiteering and fraud**

11 *“(a) PROHIBITION.—Whoever, in any matter involv-*
 12 *ing a contract with, or the provision of goods or services*
 13 *to, the United States or a provisional authority, in connec-*
 14 *tion with a mission of the United States Government over-*
 15 *seas, knowingly—*

16 *“(1)(A) executes or attempts to execute a scheme*
 17 *or artifice to defraud the United States or that au-*
 18 *thority; or*

19 *“(B) materially overvalues any good or service*
 20 *with the intent to defraud the United States or that*
 21 *authority;*

22 *shall be fined not more than \$1,000,000 or impris-*
 23 *oned not more than 20 years, or both; or*

24 *“(2) in connection with the contract or the pro-*
 25 *vision of those goods or services—*

1 “(A) falsifies, conceals, or covers up by any
2 trick, scheme, or device a material fact;

3 “(B) makes any materially false, fictitious,
4 or fraudulent statements or representations; or

5 “(C) makes or uses any materially false
6 writing or document knowing the same to con-
7 tain any materially false, fictitious, or fraudu-
8 lent statement or entry;

9 shall be fined not more than \$1,000,000 or impris-
10 oned not more than 10 years, or both.

11 “(b) *EXTRATERRITORIAL JURISDICTION.*—There is
12 extraterritorial Federal jurisdiction over an offense under
13 this section.

14 “(c) *VENUE.*—A prosecution for an offense under this
15 section may be brought—

16 “(1) as authorized by chapter 211 of this title;

17 “(2) in any district where any act in further-
18 ance of the offense took place; or

19 “(3) in any district where any party to the con-
20 tract or provider of goods or services is located.”.

21 (2) *TABLE OF SECTIONS.*—The table of sections
22 for chapter 47 of such title is amended by adding at
23 the end the following:

“1041. War profiteering and fraud.”.

1 **(b) CRIMINAL FORFEITURE.**—Section 982(a)(2)(B) of
2 title 18, United States Code, is amended by striking “or
3 1030” and inserting “1030, or 1041”.

4 **(c) MONEY LAUNDERING.**—Section 1956(c)(7)(D) of
5 title 18, United States Code, is amended by inserting “sec-
6 tion 1041 (relating to war profiteering and fraud),” after
7 “liquidating agent of financial institution),”.

8 **(d) RICO.**—Section 1961(1) of title 18, United States
9 Code, is amended by inserting “section 1041 (relating to
10 war profiteering and fraud),” after “in connection with ac-
11 cess devices),”.

12 **CHAPTER 3—MILITARY EXTRATERRITORIAL**

13 **JURISDICTION**

14 **SHORT TITLE**

15 **SEC. 11301.** This chapter may be cited as the “**MEJA**
16 **Expansion and Enforcement Act of 2008**”.

17 **LEGAL STATUS OF CONTRACT PERSONNEL**

18 **SEC. 11302. (a) CLARIFICATION OF MILITARY**
19 **EXTRATERRITORIAL JURISDICTION ACT.**—

20 **(1) INCLUSION OF FEDERAL EMPLOYEES AND**
21 **CONTRACTORS.**—Section 3261(a) of title 18, United
22 States Code, is amended—

23 **(A) in paragraph (1), by striking “or” at**
24 **the end;**

1 (B) in paragraph (2), by striking the
2 comma at the end and inserting a semicolon;
3 and

4 (C) by inserting after paragraph (2) the fol-
5 lowing new paragraphs:

6 “(3) while employed by any Department or
7 agency of the United States other than the Armed
8 Forces in a foreign country in which the Armed
9 Forces are conducting a qualifying military oper-
10 ation; or

11 “(4) while employed as a security officer or secu-
12 rity contractor by any Department or agency of the
13 United States other than the Armed Forces,”.

14 (2) *DEFINITIONS.*—Section 3267 of title 18,
15 United States Code, is amended—

16 (A) in paragraph (1), by striking subpara-
17 graph (A) and inserting the following new sub-
18 paragraph:

19 “(A) employed by or performing services
20 under a contract with or grant from the Depart-
21 ment of Defense (including a nonappropriated
22 fund instrumentality of the Department) as—

23 “(i) a civilian employee (including an
24 employee from any other Executive agency

1 *on temporary assignment to the Depart-*
2 *ment of Defense);*

3 “(ii) a contractor (including a subcon-

4 *tractor at any tier); or*

5 “(iii) an employee of a contractor (in-

6 *cluding a subcontractor at any tier);”;* and

7 *(B) by adding at the end the following new*
8 *paragraphs:*

9 “(5) The term ‘employed by any Department or

10 *agency of the United States other than the Armed*

11 *Forces’ means—*

12 “(A) employed by or performing services

13 *under a contract with or grant from any De-*

14 *partment or agency of the United States, or any*

15 *provisional authority funded in whole or sub-*

16 *stantial part or created by the United States*

17 *Government, other than the Department of De-*

18 *fense as—*

19 “(i) a civilian employee;

20 “(ii) a contractor (including a subcon-

21 *tractor at any tier); or*

22 “(iii) an employee of a contractor (in-

23 *cluding a subcontractor at any tier);*

24 “(B) present or residing outside the United

25 *States in connection with such employment; and*

1 “(C) not a national of or ordinarily a resi-
2 dent in the host nation.

3 “(6) The term ‘employed as a security officer or
4 security contractor by any Department or agency of
5 the United States other than the Armed Forces’
6 means—

7 “(A) employed by or performing services
8 under a contract with or grant from any De-
9 partment or agency of the United States, or any
10 provisional authority funded in whole or sub-
11 stantial part or created by the United States
12 Government, other than the Department of De-
13 fense as—

14 “(i) a civilian employee;

15 “(ii) a contractor (including a subcon-
16 tractor at any tier); or

17 “(iii) an employee of a contractor (in-
18 cluding a subcontractor at any tier);

19 “(B) authorized in the course of such em-
20 ployment—

21 “(i) to provide physical protection to
22 or security for persons, places, buildings, fa-
23 cilities, supplies, or means of transpor-
24 tation;

1 “(ii) to carry or possess a firearm or
2 dangerous weapon, as defined by section
3 930(g)(2) of this chapter;

4 “(iii) to use force against another; or

5 “(iv) to supervise individuals per-
6 forming the activities described in clause
7 (i), (ii) or (iii);

8 “(C) present or residing outside the United
9 States in connection with such employment; and

10 “(D) not a national of or ordinarily resi-
11 dent in the host nation.

12 “(7) The term ‘qualifying military operation’
13 means—

14 “(A) a military operation covered by a dec-
15 laration of war or an authorization of the use of
16 military force by Congress;

17 “(B) a contingency operation (as defined in
18 section 101 of title 10); or

19 “(C) any other military operation outside of
20 the United States, including a humanitarian as-
21 sistance or peace keeping operation, provided
22 such operation is conducted pursuant to an order
23 from or approved by the Secretary of Defense.”.

24 (b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL
25 REPORT.—

1 (1) *REPORT REQUIRED.*—Not later than 180
2 days after the date of the enactment of this Act, the
3 Inspector General of the Department of Justice, in
4 consultation with the Inspectors General of the De-
5 partment of Defense, the Department of State, the
6 United States Agency for International Development,
7 the Department of Agriculture, the Department of
8 Energy, and other appropriate Federal departments
9 and agencies, shall submit to Congress a report in ac-
10 cordance with this subsection.

11 (2) *CONTENT OF REPORT.*—The report under
12 paragraph (1) shall include, for the period beginning
13 on October 1, 2001, and ending on the date of the re-
14 port—

15 (A) unless the description pertains to non-
16 public information that relates to an ongoing in-
17 vestigation or criminal or civil proceeding under
18 seal, a description of any alleged violations of
19 section 3261 of title 18, United States Code, re-
20 ported to the Inspector Generals identified in
21 paragraph (1) or the Department of Justice, in-
22 cluding—

23 (i) the date of the complaint and the
24 type of offense alleged;

1 (ii) whether any investigation was
2 opened or declined based on the complaint;

3 (iii) whether the investigation was
4 closed, and if so, when it was closed;

5 (iv) whether a criminal or civil case
6 was filed as a result of the investigation,
7 and if so, when it was filed; and

8 (v) any charges or complaints filed in
9 those cases; and

10 (B) unless the description pertains to non-
11 public information that relates to an ongoing in-
12 vestigation or criminal or civil proceeding under
13 seal, and with appropriate safeguards for the
14 protection of national security information, a de-
15 scription of any shooting or escalation of force
16 incidents in Iraq or Afghanistan involving al-
17 leged misconduct by persons employed as a secu-
18 rity officer or security contractor by any Depart-
19 ment or agency of the United States, and any of-
20 ficial action taken against such persons.

21 (3) *FORM OF REPORT.*—The report under para-
22 graph (1) shall be submitted in unclassified form, but
23 may contain a classified annex as appropriate.

24 *INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT*

25 *SEC. 11303. (a) ESTABLISHMENT OF INVESTIGATIVE*
26 *UNITS FOR CONTRACTOR OVERSIGHT.*—

1 (1) *IN GENERAL.*—*The Attorney General, in con-*
2 *sultation with the Secretary of Defense, the Secretary*
3 *of State, the Secretary of Homeland Security, and the*
4 *heads of any other Federal departments or agencies*
5 *responsible for employing private security contractors*
6 *or contractors (or subcontractors at any tier) in a for-*
7 *foreign country where the Armed Forces are conducting*
8 *a qualifying military operation—*

9 (A) *shall assign adequate personnel and re-*
10 *sources through the creation of Investigative*
11 *Units for Contractor Oversight to investigate al-*
12 *legations of criminal violations under para-*
13 *graphs (3) and (4) of section 3261(a) of title 18,*
14 *United States Code (as amended by section*
15 *11302(a) of this chapter); and*

16 (B) *may authorize the overseas deployment*
17 *of law enforcement agents and other Department*
18 *of Justice personnel for that purpose.*

19 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
20 *subsection shall limit any existing authority of the*
21 *Attorney General or any Federal law enforcement*
22 *agency to investigate violations of Federal law or de-*
23 *ploy personnel overseas.*

24 (b) *REFERRAL FOR PROSECUTION.*—*Upon conclusion*
25 *of an investigation of an alleged violation of sections*

1 *3261(a)(3) and 3261(a)(4) of title 18, United States Code,*
2 *an Investigative Unit for Contractor Oversight may refer*
3 *the matter to the Attorney General for further action, as*
4 *appropriate in the discretion of the Attorney General.*

5 *(c) RESPONSIBILITIES OF THE ATTORNEY GEN-*
6 *ERAL.—*

7 *(1) INVESTIGATION.—The Attorney General shall*
8 *have the principal authority for the enforcement of*
9 *sections 3261(a)(3) and 3261(a)(4) of title 18, United*
10 *States Code, and shall have the authority to initiate,*
11 *conduct, and supervise investigations of any alleged*
12 *violations of such sections 3261(a)(3) and 3261(a)(4).*

13 *(2) ASSISTANCE ON REQUEST OF THE ATTORNEY*
14 *GENERAL.—Notwithstanding any statute, rule, or reg-*
15 *ulation to the contrary, the Attorney General may re-*
16 *quest assistance from the Secretary of Defense, the*
17 *Secretary of State, or the head of any other Executive*
18 *agency to enforce this chapter. This requested assist-*
19 *ance may include the assignment of additional per-*
20 *sonnel and resources to an Investigative Unit for Con-*
21 *tractor Oversight established by the Attorney General*
22 *under subsection (a).*

23 *(3) ANNUAL REPORT.—Not later than one year*
24 *after the date of enactment of this Act, and annually*
25 *thereafter, the Attorney General, in consultation with*

1 *the Secretary of Defense and the Secretary of State,*
2 *shall submit to Congress a report containing—*

3 *(A) the number of violations of sections*
4 *3261(a)(3) and 3261(a)(4) of title 18, United*
5 *States Code, received, investigated, and referred*
6 *for prosecution by Federal law enforcement au-*
7 *thorities during the previous year;*

8 *(B) the number and location of Investiga-*
9 *tive Units for Contractor Oversight deployed to*
10 *investigate violations of such sections 3261(a)(3)*
11 *and 3261(a)(4) during the previous year; and*

12 *(C) any recommended changes to Federal*
13 *law that the Attorney General considers nec-*
14 *essary to enforce this chapter and the amend-*
15 *ments made by this chapter and chapter 212 of*
16 *title 18, United States Code.*

17 *REMOVAL PROCEDURES FOR NON-DEPARTMENT OF*
18 *DEFENSE EMPLOYEES AND CONTRACTORS*

19 *SEC. 11304. (a) ATTORNEY GENERAL REGULA-*
20 *TIONS.—Section 3266 of title 18, United States Code, is*
21 *amended by adding at the end the following:*

22 *“(d) The Attorney General, after consultation with the*
23 *Secretary of Defense, the Secretary of State, and the Direc-*
24 *tor of National Intelligence, may prescribe regulations gov-*
25 *erning the investigation, apprehension, detention, delivery,*
26 *and removal of persons described in sections 3261(a)(3) and*

1 3261(a)(4) and describing the notice due, if any, foreign
2 nationals potentially subject to the criminal jurisdiction of
3 the United States under those sections.”.

4 (b) CLARIFYING AND CONFORMING AMENDMENTS.—

5 (1) IN GENERAL.—Chapter 212 of title 18,
6 United States Code, is amended—

7 (A) in section 3261(a)—

8 (i) by inserting “against the United
9 States” after “offense” the first time it ap-
10 pears; and

11 (ii) by inserting “within the United
12 States or” after “had been engaged in”;

13 (B) in section 3262—

14 (i) in subsection (a), by striking “sec-
15 tion 3261(a)” the first place it appears and
16 inserting “section 3261(a)(1) or
17 3261(a)(2)”;

18 (ii) by redesignating subsection (b) as
19 subsection (c); and

20 (iii) by inserting after subsection (a)
21 the following new subsection (b):

22 “(b) The Attorney General may designate and author-
23 ize any person serving in a law enforcement position in
24 the Department of Justice, the Department of Defense, the
25 Department State, or any other Executive agency to arrest,

1 *in accordance with applicable international agreements,*
2 *outside the United States any person described in section*
3 *3261(a) if there is probable cause to believe that such person*
4 *violated section 3261(a).”;*

5 *(C) in section 3263(a), by striking “section*
6 *3261(a)” the first place it appears and inserting*
7 *“section 3261(a)(1) or 3261(a)(2)”;*

8 *(D) in section 3264(a), by inserting “de-*
9 *scribed in section 3261(a)(1) or 3261(a)(2)” be-*
10 *fore “arrested”;*

11 *(E) section 3265(a)(1) by inserting “de-*
12 *scribed in section 3261(a)(1) or 3261(a)(2)” be-*
13 *fore “arrested”; and*

14 *(F) in section 3266(a), by striking “under*
15 *this chapter” and inserting “described in section*
16 *3261(a)(1) or 3261(a)(2)”.*

17 *(2) ADDITIONAL AMENDMENT.—Section 7(9) of*
18 *title 18, United States Code, is amended by striking*
19 *“section 3261(a)” and inserting “section 3261(a)(1)*
20 *or 3261(a)(2)”.*

21 *RULES OF CONSTRUCTION*

22 *SEC. 11305. (a) IN GENERAL.—Nothing in this chap-*
23 *ter or the amendments made by this chapter shall apply*
24 *to authorized and otherwise lawful intelligence activities*
25 *carried out by or at the direction of the United States.*

(2) Page 1 of the Senate engrossed amendment, strike line 1 and all that follows through the end of line 21 on page 59, and insert the following:

1 *That the following sums are appropriated, out of any*
 2 *money in the Treasury not otherwise appropriated, for the*
 3 *fiscal year ending September 30, 2008, and for other pur-*
 4 *poses, namely:*

5 *TITLE I—MILITARY CONSTRUCTION, VETERANS*
 6 *AFFAIRS, INTERNATIONAL AFFAIRS, AND*
 7 *OTHER SECURITY-RELATED MATTERS*

8 *CHAPTER 1—AGRICULTURE*

9 *DEPARTMENT OF AGRICULTURE*

10 *FOREIGN AGRICULTURAL SERVICE*

11 *PUBLIC LAW 480 TITLE II GRANTS*

12 *For an additional amount for “Public Law 480 Title*
 13 *II Grants”, \$850,000,000, to remain available until ex-*
 14 *pended.*

15 *For an additional amount for “Public Law 480 Title*
 16 *II Grants”, \$395,000,000, to become available on October*
 17 *1, 2008, and to remain available until expended.*

1 *CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE*2 *DEPARTMENT OF JUSTICE*3 *OFFICE OF INSPECTOR GENERAL*

4 *For an additional amount for “Office of Inspector*
5 *General”, \$4,000,000, to remain available until September*
6 *30, 2009.*

7 *LEGAL ACTIVITIES*8 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

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

12 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

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

16 *UNITED STATES MARSHALS SERVICE*17 *SALARIES AND EXPENSES*

18 *For an additional amount for “Salaries and Ex-*
19 *penses”, \$18,621,000, to remain available until September*
20 *30, 2009.*

21 *FEDERAL BUREAU OF INVESTIGATION*22 *SALARIES AND EXPENSES*

23 *For an additional amount for “Salaries and Ex-*
24 *penses”, \$92,169,000, to remain available until September*
25 *30, 2009.*

1 *For an additional amount for “Salaries and Ex-*
2 *penses”, \$82,600,000, to become available on October 1,*
3 *2008, and to remain available until September 30, 2009.*

4 *DRUG ENFORCEMENT ADMINISTRATION*

5 *SALARIES AND EXPENSES*

6 *For an additional amount for “Salaries and Ex-*
7 *penses”, \$12,166,000, to remain available until September*
8 *30, 2009.*

9 *BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND*

10 *EXPLOSIVES*

11 *SALARIES AND EXPENSES*

12 *For an additional amount for “Salaries and Ex-*
13 *penses”, \$4,000,000, to remain available until September*
14 *30, 2009.*

15 *FEDERAL PRISON SYSTEM*

16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Salaries and Ex-*
18 *penses”, \$9,100,000, to remain available until September*
19 *30, 2009.*

20 *CHAPTER 3—MILITARY CONSTRUCTION AND*

21 *VETERANS AFFAIRS*

22 *DEPARTMENT OF DEFENSE*

23 *MILITARY CONSTRUCTION, ARMY*

24 *For an additional amount for “Military Construction,*
25 *Army”, \$1,432,700,000, to remain available until Sep-*

1 tember 30, 2009: *Provided, That notwithstanding any other*
2 *provision of law, such funds may be obligated and expended*
3 *to carry out planning and design and military construction*
4 *projects not otherwise authorized by law: Provided further,*
5 *That of the funds provided under this heading, not to exceed*
6 *\$73,400,000 shall be available for study, planning, design,*
7 *and architect and engineer services: Provided further, That*
8 *of the funds made available under this heading, \$72,000,000*
9 *shall not be obligated or expended until after that date on*
10 *which the Secretary of Defense submits a detailed spending*
11 *plan, including a 1391 form for each facilities replacement*
12 *project, to the Committees on Appropriations of the House*
13 *of Representatives and Senate: Provided further, That of the*
14 *funds provided under this heading, \$533,700,000 shall not*
15 *be obligated or expended until the Secretary of Defense cer-*
16 *tifies that none of the funds are to be used for the purpose*
17 *of providing facilities for the permanent basing of United*
18 *States military personnel in Iraq.*

19 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

20 *For an additional amount for “Military Construction,*
21 *Navy and Marine Corps”, \$423,357,000, to remain avail-*
22 *able until September 30, 2009: Provided, That notwith-*
23 *standing any other provision of law, such funds may be*
24 *obligated and expended to carry out planning and design*
25 *and military construction projects not otherwise authorized*

1 *by law: Provided further, That of the funds provided under*
2 *this heading, not to exceed \$15,843,000 shall be available*
3 *for study, planning, design, and architect and engineer*
4 *services.*

5 *MILITARY CONSTRUCTION, AIR FORCE*

6 *For an additional amount for “Military Construction,*
7 *Air Force”, \$409,627,000, to remain available until Sep-*
8 *tember 30, 2009: Provided, That notwithstanding any other*
9 *provision of law, such funds may be obligated and expended*
10 *to carry out planning and design and military construction*
11 *projects not otherwise authorized by law: Provided further,*
12 *That of the funds provided under this heading, not to exceed*
13 *\$36,427,000 shall be available for study, planning, design,*
14 *and architect and engineer services: Provided further, That*
15 *of the funds provided under this heading, \$58,300,000 shall*
16 *not be obligated or expended until the Secretary of Defense*
17 *certifies that none of the funds are to be used for the purpose*
18 *of providing facilities for the permanent basing of United*
19 *States military personnel in Iraq.*

20 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

21 *For an additional amount for “Military Construction,*
22 *Defense-Wide”, \$1,009,600,000, to remain available until*
23 *September 30, 2009: Provided, That notwithstanding any*
24 *other provision of law, such funds may be obligated and*
25 *expended to carry out planning and design and military*

1 *construction projects not otherwise authorized by law: Pro-*
2 *vided further, That of the funds provided, \$982,000,000*
3 *shall be for medical treatment facilities construction (in-*
4 *cluding planning and design) and shall remain available*
5 *until September 30, 2012.*

6 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*
7 *CORPS*

8 *For an additional amount for “Family Housing Con-*
9 *struction, Navy and Marine Corps,” \$11,766,000, to remain*
10 *available until September 30, 2009: Provided, That not-*
11 *withstanding any other provision of law, such funds may*
12 *be obligated and expended to carry out planning and design*
13 *and military construction projects not otherwise authorized*
14 *by law.*

15 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

16 *For deposit into the Department of Defense Base Clo-*
17 *sure Account 2005, established by section 2906A(a)(1) of the*
18 *Defense Base Closure and Realignment Act of 1990 (10*
19 *U.S.C. 2687 note), \$1,354,634,000, to remain available*
20 *until expended: Provided, That notwithstanding any other*
21 *provision of law, such funds may be obligated and expended*
22 *to carry out planning and design and military construction*
23 *projects not otherwise authorized by law.*

1 *DEPARTMENT OF VETERANS AFFAIRS*2 *DEPARTMENTAL ADMINISTRATION*3 *GENERAL OPERATING EXPENSES*

4 *For an additional amount for “General Operating Ex-*
5 *penses”, \$100,000,000, to remain available until September*
6 *30, 2009.*

7 *INFORMATION TECHNOLOGY SYSTEMS*

8 *For an additional amount for “Information Tech-*
9 *nology Systems”, \$20,000,000, to remain available until*
10 *September 30, 2009.*

11 *GENERAL PROVISION, THIS CHAPTER*

12 *SEC. 1301. None of the funds appropriated in this or*
13 *any other Act may be used to terminate, reorganize, or relo-*
14 *cate the Armed Forces Institute of Pathology until the*
15 *President has established, as required by section 722 of the*
16 *National Defense Authorization Act for Fiscal Year 2008*
17 *(Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note),*
18 *a Joint Pathology Center.*

1 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

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

5 *INTERNATIONAL ORGANIZATIONS*

6 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

7 *For an additional amount for “Contributions to Inter-*
8 *national Organizations”, \$53,000,000 to remain available*
9 *until September 30, 2009.*

10 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

11 *ACTIVITIES*

12 *For an additional amount for “Contributions for*
13 *International Peacekeeping Activities”, \$333,600,000, to re-*
14 *main available until September 30, 2009, for the United*
15 *Nations–African Union Hybrid Mission in Darfur.*

16 *BILATERAL ECONOMIC ASSISTANCE*

17 *FUNDS APPROPRIATED TO THE PRESIDENT*

18 *INTERNATIONAL DISASTER ASSISTANCE*

19 *For an additional amount for “International Disaster*
20 *Assistance”, \$200,000,000, to remain available until ex-*
21 *pended.*

22 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*

23 *FOR INTERNATIONAL DEVELOPMENT*

24 *For an additional amount for “Operating Expenses of*
25 *the United States Agency for International Development”,*

1 \$142,000,000, to remain available until September 30,
2 2009: Provided, That of the funds appropriated under this
3 heading, not more than \$20,000,000 shall be available to
4 establish and implement a coordinated civilian response ca-
5 pacity at the United States Agency for International Devel-
6 opment.

7 OPERATING EXPENSES OF THE UNITED STATES AGENCY
8 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
9 SPECTOR GENERAL

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

14 OTHER BILATERAL ECONOMIC ASSISTANCE
15 ECONOMIC SUPPORT FUND

16 For an additional amount for “Economic Support
17 Fund”, \$1,747,000,000, to remain available until Sep-
18 tember 30, 2009, of which not more than \$440,000,000 may
19 be made available for assistance for Iraq, \$150,000,000
20 shall be made available for assistance for Jordan to meet
21 the needs of Iraqi refugees, and up to \$53,000,000 may be
22 available for energy-related assistance for North Korea, not-
23 withstanding any other provision of law: Provided, That
24 not more than \$100,000,000 of the funds appropriated
25 under this heading shall be made available for assistance

1 *for the West Bank and none of such funds shall be for cash*
2 *transfer assistance: Provided further, That of the funds ap-*
3 *propriated under this heading, \$1,000,000 shall be made*
4 *available for the Office of the United Nations High Commis-*
5 *sioner for Human Rights in Mexico: Provided further, That*
6 *the funds made available under this heading for energy-re-*
7 *lated assistance for North Korea may be made available to*
8 *support the goals of the Six Party Talks Agreements after*
9 *the Secretary of State determines and reports to the Com-*
10 *mittees on Appropriations that North Korea is continuing*
11 *to fulfill its commitments under such agreements.*

12 *DEPARTMENT OF STATE*

13 *DEMOCRACY FUND*

14 *For an additional amount for “Democracy Fund”,*
15 *\$75,000,000, to remain available until September 30, 2009,*
16 *for democracy programs in Iraq.*

17 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

18 *ENFORCEMENT*

19 *For an additional amount for “International Nar-*
20 *cotics Control and Law Enforcement”, \$419,300,000, to re-*
21 *main available until September 30, 2009: Provided, That*
22 *not more than \$25,000,000 of the funds appropriated by*
23 *this subchapter shall be made available for security assist-*
24 *ance for the West Bank.*

1 *MIGRATION AND REFUGEE ASSISTANCE*

2 *For an additional amount for “Migration and Refugee*
3 *Assistance”, \$300,000,000, to remain available until ex-*
4 *pended.*

5 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*
6 *ASSISTANCE FUND*

7 *For an additional amount for “United States Emer-*
8 *gency Refugee and Migration Assistance Fund”,*
9 *\$25,000,000, to remain available until expended.*

10 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*
11 *RELATED PROGRAMS*

12 *For an additional amount for “Nonproliferation,*
13 *Anti-Terrorism, Demining and Related Programs”,*
14 *\$11,200,000, to remain available until September 30, 2009.*

15 *MILITARY ASSISTANCE*16 *FUNDS APPROPRIATED TO THE PRESIDENT*17 *FOREIGN MILITARY FINANCING PROGRAM*

18 *For an additional amount for “Foreign Military Fi-*
19 *nancing Program”, \$72,500,000, to remain available until*
20 *September 30, 2009, of which up to \$66,500,000 shall be*
21 *made available for assistance for Mexico.*

1 *SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL*
2 *APPROPRIATIONS FOR 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”, \$737,900,000, 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 \$581,500,000 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 TRANSFERS 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 \$46,500,000 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”, \$8,000,000, 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 *ign 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 OFFICE OF IN-*
13 *SPECTOR 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,” \$1,147,300,000, which shall become available on Oc-*
23 *tober 1, 2008 and remain available through September 30,*
24 *2009, of which not more than \$100,000,000 may be made*
25 *available for assistance for Iraq, \$100,000,000 shall be*

1 *made available for assistance for Jordan, and \$15,000,000*
2 *may be made available for energy-related assistance for*
3 *North Korea, notwithstanding any other provision of law:*
4 *Provided, That not more than \$150,000,000 of the funds*
5 *appropriated under this heading in this subchapter shall*
6 *be made available for assistance for the West Bank.*

7 *DEPARTMENT OF STATE*

8 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

9 *ENFORCEMENT*

10 *For an additional amount for “International Nar-*
11 *cotics Control and Law Enforcement”, \$204,500,000, which*
12 *shall become available on October 1, 2008 and remain*
13 *available through September 30, 2009: Provided, That not*
14 *more than \$50,000,000 of the funds made available by this*
15 *subchapter shall be made available for security assistance*
16 *for the West Bank and up to \$53,500,000 shall be made*
17 *available for assistance for Mexico.*

18 *MIGRATION AND REFUGEE ASSISTANCE*

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

22 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*
23 *RELATED PROGRAMS*

24 *For an additional amount for “Nonproliferation,*
25 *Anti-Terrorism, Demining and Related Programs”,*

1 \$4,500,000, for humanitarian demining assistance for Iraq,
2 which shall become available on October 1, 2008 and re-
3 main available through September 30, 2009.

4 *MILITARY ASSISTANCE*

5 *FUNDS APPROPRIATED TO THE PRESIDENT*

6 *FOREIGN MILITARY FINANCING PROGRAM*

7 *For an additional amount for “Foreign Military Fi-*
8 *nancing Program”, \$170,000,000, which shall become avail-*
9 *able on October 1, 2008 and remain available through Sep-*
10 *tember 30, 2009, of which \$100,000,000 shall be made avail-*
11 *able for assistance for Jordan and up to \$50,000,000 shall*
12 *be made available for assistance for Mexico: Provided, That*
13 *section 3802(c) of title III, chapter 8 of Public Law 110-*
14 *28 shall apply to funds made available under this heading*
15 *for assistance for Lebanon.*

16 *PEACEKEEPING OPERATIONS*

17 *For an additional amount for “Peacekeeping Oper-*
18 *ations”, \$85,000,000, which shall become available on Octo-*
19 *ber 1, 2008 and remain available through September 30,*
20 *2009.*

21 *SUBCHAPTER C—GENERAL PROVISIONS, THIS*

22 *CHAPTER*

23 *EXTENSION OF AUTHORITIES*

24 *SEC. 1401. Funds appropriated by this chapter may*
25 *be obligated and expended notwithstanding section 10 of*

1 *Public Law 91–672 (22 U.S.C. 2412), section 15 of the*
2 *State Department Basic Authorities Act of 1956 (22 U.S.C.*
3 *2680), section 313 of the Foreign Relations Authorization*
4 *Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and*
5 *section 504(a)(1) of the National Security Act of 1947 (50*
6 *U.S.C. 414(a)(1)).*

7 *AFGHANISTAN*

8 *SEC. 1402 (a) ASSISTANCE FOR WOMEN AND GIRLS.—*
9 *Funds appropriated by this chapter under the heading*
10 *“Economic Support Fund” that are available for assistance*
11 *for Afghanistan shall be made available, to the maximum*
12 *extent practicable, through local Afghan provincial and mu-*
13 *nicipal governments and Afghan civil society organizations*
14 *and in a manner that emphasizes the participation of Af-*
15 *ghan women and directly improves the economic, social and*
16 *political status of Afghan women and girls.*

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

25 *(c) CIVILIAN ASSISTANCE.—Of the funds appropriated*
26 *by this chapter under the heading “Economic Support*

1 *Fund*” that are available for assistance for Afghanistan, not
2 less than \$2,000,000 shall be made available for a United
3 States contribution to the North Atlantic Treaty Organiza-
4 tion/International Security Assistance Force Post-Oper-
5 ations Humanitarian Relief Fund.

6 (d) *ANTICORRUPTION*.—Not later than 90 days after
7 enactment of this Act, the Secretary of State shall—

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

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

18 (3) certify and report to the Committees on Ap-
19 propriations that effective mechanisms are in place to
20 ensure that assistance to national government min-
21 istries and provincial governments will be properly
22 accounted for.

23 *WEST BANK*

24 *SEC. 1403.* Not later than 90 days after the date of
25 enactment of this Act, and 180 days thereafter, the Sec-
26 retary of State shall submit to the Committees on Appro-

1 *priations a report on assistance provided by the United*
2 *States for the training of Palestinian security forces, in-*
3 *cluding detailed descriptions of the training, curriculum,*
4 *and equipment provided; an assessment of the training and*
5 *the performance of forces after training has been completed;*
6 *and a description of the assistance that has been pledged*
7 *and provided to Palestinian security forces by other donors:*
8 *Provided, That not later than 90 days after the date of en-*
9 *actment of this Act, the Secretary of State shall report to*
10 *the Committees on Appropriations, in classified form if nec-*
11 *essary, on the security strategy of the Palestinian Author-*
12 *ity.*

13 *MEXICO*

14 *SEC. 1404. (a) ASSISTANCE FOR MEXICO.—Of the*
15 *funds appropriated under the headings “International Nar-*
16 *cotics Control and Law Enforcement”, “Foreign Military*
17 *Financing Program”, and “Economic Support Fund” in*
18 *this chapter, not more than \$296,500,000 of the funds ap-*
19 *propriated in subchapter A and \$103,500,000 of the funds*
20 *appropriated in subchapter B shall be made available for*
21 *assistance for Mexico, only to combat drug trafficking and*
22 *related violent crime, and for judicial reform, institution*
23 *building, and rule of law activities, of which not less than*
24 *\$73,500,000 shall be used for judicial reform, institution*
25 *building, and rule of law activities: Provided, That none*
26 *of the funds made available under this section shall be made*

1 *available for budget support or as cash payments: Provided*
2 *further, That none of the funds made available under this*
3 *section shall be available for obligation until the Secretary*
4 *of State determines and reports to the Committees on Ap-*
5 *propriations that vetting procedures are in place to ensure*
6 *that relevant members and units of the Mexican armed*
7 *forces and police forces that may receive assistance pursu-*
8 *ant to this section have not been involved in human rights*
9 *violations or corrupt acts.*

10 *(b) ALLOCATION OF FUNDS.—25 percent of the funds*
11 *made available by this chapter for assistance for Mexico*
12 *under the headings “International Narcotics Control and*
13 *Law Enforcement” and “Foreign Military Financing Pro-*
14 *gram” shall be withheld from obligation until the Secretary*
15 *of State reports to the Committees on Appropriations on*
16 *the requirements described in subsection (c).*

17 *(c) REQUIREMENTS.—The requirements referred to in*
18 *subsection (b) are the following:*

19 *(1) The Government of Mexico is—*

20 *(A) improving the transparency and ac-*
21 *countability of Federal police forces and engag-*
22 *ing with state and municipal authorities to im-*
23 *prove the transparency and accountability of*
24 *state and municipal police forces through mecha-*
25 *nisms such as police complaints commissions;*

1 (B) ensuring meaningful engagement with
2 civil society to monitor efforts to combat drug
3 trafficking and related violent crime, judicial re-
4 form, institution building, and rule of law ac-
5 tivities to ensure due process and the protection
6 of freedom of expression, association, and assem-
7 bly in accordance with Mexican and inter-
8 national law; and

9 (C) ensuring that, in accordance with ap-
10 plicable Mexican law, the Mexican armed forces
11 and the Federal police forces are cooperating
12 with civilian prosecutors and judicial authorities
13 in investigating and prosecuting in the civilian
14 justice system those individuals, including mili-
15 tary personnel, who have been credibly alleged
16 under Mexican law to have committed violations
17 of internationally recognized human rights, and,
18 consistent with Mexican and international law,
19 is vigorously enforcing the prohibition on the use
20 of testimony obtained through torture or other
21 ill-treatment.

22 (2) The Federal Public Security Secretary and
23 the Minister of Defense, respectively, in accordance
24 with applicable Mexican law, are suspending or plac-
25 ing on administrative duty, those members of the

1 *Federal police and armed forces who have been*
2 *credibly alleged under Mexican law, to have com-*
3 *mitted violations of internationally recognized human*
4 *rights or participated in corrupt acts and have estab-*
5 *lished policies that reward respect for human rights,*
6 *in particular regarding the use of force.*

7 *(3) The Attorney General and other relevant au-*
8 *thorities of the Mexican Government are investigating*
9 *and prosecuting members of the Mexican armed forces*
10 *and police forces who have been credibly alleged under*
11 *Mexican law to have committed violations of inter-*
12 *nationally recognized human rights.*

13 *(d) EXCEPTION.—Notwithstanding subsections (b) and*
14 *(c), of the funds appropriated by subchapter A for assist-*
15 *ance for Mexico under the heading “International Narcotics*
16 *Control and Law Enforcement”, \$3,000,000 shall be made*
17 *available for technical and other assistance to enable the*
18 *Government of Mexico to implement a unified national reg-*
19 *istry encompassing Federal, state, and municipal police of-*
20 *ficials, and \$5,000,000 may be made available to the Bu-*
21 *reau of Alcohol, Tobacco, Firearms and Explosives to deploy*
22 *special agents in Mexico to support Mexican law enforce-*
23 *ment agencies in tracing seized firearms and investigating*
24 *firearms trafficking cases: Provided, That section 484(a) of*
25 *the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a))*

1 *shall not apply with respect to assistance for Mexico made*
2 *available by this chapter.*

3 (e) *REPORT.*—*The report required in subsection (b)*
4 *shall include a description of actions taken with respect to*
5 *each requirement specified in subsection (c) and the cases*
6 *or issues brought to the attention of the Secretary of State*
7 *for which the response or action taken has been inadequate.*

8 (f) *VETTING.*—*Not later than 30 days after the date*
9 *of the enactment of this Act, the Secretary of State shall*
10 *submit to the Committees on Appropriations a report, in*
11 *classified form if necessary, detailing the procedures used*
12 *to vet Mexican armed forces and police forces for eligibility*
13 *to receive assistance under this section.*

14 (g) *NOTIFICATION.*—*Funds made available for Mexico*
15 *by this chapter shall be subject to the regular notification*
16 *procedures of the Committees on Appropriations and sec-*
17 *tion 634A of the Foreign Assistance Act of 1961 (22 U.S.C.*
18 *2394–1).*

19 (h) *SPENDING PLAN.*—*Not later than 45 days after the*
20 *date of the enactment of this Act, the Secretary of State*
21 *shall submit to the Committees on Appropriations a de-*
22 *tailed spending plan for funds appropriated or otherwise*
23 *made available for Mexico by this chapter, which shall in-*
24 *clude a strategy for combating drug trafficking and related*
25 *violent crime, judicial reform, institution building, and*

1 *rule of law activities, with concrete goals, actions to be*
2 *taken, budget proposals, and anticipated results.*

3 (i) *CONSULTATION.*—*Not later than 90 days after the*
4 *date of the enactment of this Act, and every 180 days there-*
5 *after until September 30, 2010, the Secretary of State shall*
6 *consult with Mexican and internationally recognized*
7 *human rights organizations on progress in meeting the re-*
8 *quirements described in subsection (c).*

9 *CENTRAL AMERICA*

10 *SEC. 1405. (a) ASSISTANCE FOR THE COUNTRIES OF*
11 *CENTRAL AMERICA.*—*Of the funds appropriated in sub-*
12 *chapter A under the headings “International Narcotics*
13 *Control and Law Enforcement”, “Foreign Military Financ-*
14 *ing Program”, “Nonproliferation, Anti-Terrorism,*
15 *Demining and Related Programs”, and “Economic Sup-*
16 *port Fund”, \$61,500,000 shall be made available for assist-*
17 *ance for the countries of Central America, Haiti, and the*
18 *Dominican Republic only to combat drug trafficking and*
19 *related violent crime, and for judicial reform, institution*
20 *building, rule of law activities, and maritime security: Pro-*
21 *vided, That of the funds appropriated under the heading*
22 *“Economic Support Fund”, \$15,000,000 shall be made*
23 *available through the United States Agency for Inter-*
24 *national Development for an Economic and Social Develop-*
25 *ment Fund for the countries of Central America: Provided*
26 *further, That of the funds appropriated under the heading*

1 *“International Narcotics Control and Law Enforcement”*,
2 *\$2,500,000 shall be made available for assistance for Haiti*
3 *and \$2,500,000 shall be made available for assistance for*
4 *the Dominican Republic: Provided further, That none of the*
5 *funds shall be made available for budget support or as cash*
6 *payments: Provided further, That none of the funds shall*
7 *be available for obligation until the Secretary of State deter-*
8 *mines and reports to the Committees on Appropriations*
9 *that vetting procedures are in place to ensure that Federal*
10 *and municipal police forces and the armed forces of the*
11 *countries of Central America that may receive assistance*
12 *pursuant to this section have not been involved in human*
13 *rights violations or corrupt acts.*

14 (b) *ALLOCATION OF FUNDS.—(1) Up to 75 percent of*
15 *the funds appropriated under the headings “International*
16 *Narcotics Control and Law Enforcement” and “Foreign*
17 *Military Financing Program” in subchapter A that are*
18 *available for assistance for the countries of Central America*
19 *may be obligated prior to the certification and report by*
20 *the Secretary of State required in paragraph (2).*

21 (2) *The balance of the funds may be obligated not less*
22 *than 120 days after the date of the enactment of this Act*
23 *if, before such obligation, the Secretary of State determines*
24 *and reports to the Committees on Appropriations that the*
25 *requirements in subsection (c) have been met.*

1 (c) *REQUIREMENTS.*—*The requirements referred to in*
2 *subsection (b)(2) are the following:*

3 (1) *The International Law Enforcement Acad-*
4 *emy (ILEA) in San Salvador, El Salvador is estab-*
5 *lishing a vetting procedure for police and other public*
6 *security officials attending programs at the ILEA.*

7 (2) *The countries of Central America are—*

8 (A) *vetting members and units of Federal*
9 *and municipal police forces and the armed forces*
10 *that may receive assistance to ensure such mem-*
11 *bers and units have not been involved in human*
12 *rights violations or corrupt acts;*

13 (B) *strengthening law enforcement capabili-*
14 *ties, developing effective systems information ex-*
15 *change, improving demand reduction, and ex-*
16 *anding public education, prevention, and treat-*
17 *ment programs;*

18 (C) *improving controls on chemical precu-*
19 *sors;*

20 (D) *adopting and implementing reforms*
21 *that improve the capacity and protect the inde-*
22 *pendence of the judiciary;*

23 (E) *reforming criminal procedures to ensure*
24 *due process and training Federal and municipal*

1 *police leadership in modern policing to curb po-*
2 *lice abuses;*

3 *(F) targeting organizational structures and*
4 *financial and other assets of drug cartels;*

5 *(G) taking steps to curb corruption in law*
6 *enforcement agencies; and*

7 *(H) suspending, prosecuting, and punishing*
8 *members of the police forces who have been*
9 *credibly alleged to have committed violations of*
10 *human rights and corrupt acts, and establishing*
11 *policies for members of such forces that reward*
12 *respect for human rights, in particular regard-*
13 *ing the use of force.*

14 *(d) REPORT.—The report required in subsection (b)(2)*
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 *equate.*

19 *(e) VETTING.—Not later than 30 days after the date*
20 *of the enactment of this Act, the Secretary of State shall*
21 *submit a report to the Committees on Appropriations, in*
22 *classified form if necessary, detailing the procedures used*
23 *by the Government of the United States to vet the Federal*
24 *and municipal police and the armed forces of the countries*

1 *of Central America for eligibility to receive assistance under*
2 *this section.*

3 (f) *NOTIFICATION.—Funds made available for the*
4 *countries of Central America in subchapter A shall be sub-*
5 *ject to the regular notification procedures of the Committees*
6 *on Appropriations and section 634A of the Foreign Assist-*
7 *ance Act of 1961 (22 U.S.C. 2394–1).*

8 (g) *SPENDING PLAN.—Not later than 45 days after en-*
9 *actment of this Act the Secretary of State shall submit to*
10 *the Committees on Appropriations a detailed spending plan*
11 *for funds appropriated or otherwise made available for the*
12 *countries of Central America, Haiti and the Dominican Re-*
13 *public in subchapter A, which shall include a strategy for*
14 *combating drug trafficking and related violent crime, judi-*
15 *cial reform, institution building, and rule of law activities,*
16 *with concrete goals, actions to be taken, budget proposals*
17 *and anticipated results.*

18 (h) *CONSULTATION.—Not later than 90 days after the*
19 *date of enactment of this Act and every 120 days thereafter*
20 *until September 30, 2010, the Secretary of State shall con-*
21 *sult with internationally recognized human rights organi-*
22 *zations, and human rights organizations in the countries*
23 *of Central America receiving assistance pursuant to this*
24 *section, on progress in meeting the requirements described*
25 *in subsection (c).*

1 (i) *DEFINITION.*—*For the purposes of this section, the*
2 *term “countries of Central America” means Belize, Costa*
3 *Rica, El Salvador, Guatemala, Honduras, Nicaragua, and*
4 *Panama.*

5 *BUYING POWER MAINTENANCE ACCOUNT*
6 *(INCLUDING TRANSFER OF FUNDS)*

7 *SEC. 1406. (a) Of the funds appropriated under the*
8 *heading “Diplomatic and Consular Programs” and allo-*
9 *cated by section 3810 of the U.S. Troop Readiness, Vet-*
10 *erans’ Care, Katrina Recovery, and Iraq Accountability*
11 *Appropriations Act, 2007 (Public Law 110–28),*
12 *\$26,000,000 shall be transferred to and merged with funds*
13 *in the “Buying Power Maintenance Account”: Provided,*
14 *That of the funds made available by this chapter up to an*
15 *additional \$74,000,000 may be transferred to and merged*
16 *with the “Buying Power Maintenance Account”, subject to*
17 *the regular notification procedures of the Committees on*
18 *Appropriations and in accordance with the procedures in*
19 *section 34 of the State Department Basic Authorities Act*
20 *of 1956 (22 U.S.C. 2706). Any funds transferred pursuant*
21 *to this section shall be available, without fiscal year limita-*
22 *tion, pursuant to section 24 of the State Department Basic*
23 *Authorities Act of 1956 (22 U.S.C. 2696).*

1 *prior Acts making appropriations for foreign operations,*
2 *export financing, and related programs, \$10,000,000 are re-*
3 *scinded.*

4 *(c) Section 8002 of this Act shall not apply to this*
5 *section.*

6 *ALLOCATIONS*

7 *SEC. 1408. (a) Funds provided in this chapter for the*
8 *following accounts shall be made available for programs*
9 *and countries in the amounts contained in the respective*
10 *tables included in the explanatory statement printed in the*
11 *Congressional Record accompanying this Act:*

12 *“Diplomatic and Consular Programs”*

13 *“Economic Support Fund”.*

14 *(b) Any proposed increases or decreases to the amounts*
15 *contained in such tables in the explanatory statement print-*
16 *ed in the Congressional Record accompanying this Act shall*
17 *be subject to the regular notification procedures of the Com-*
18 *mittees on Appropriations and section 634A of the Foreign*
19 *Assistance Act of 1961.*

20 *REPROGRAMMING AUTHORITY*

21 *SEC. 1409. Notwithstanding any other provision of*
22 *law, to include minimum funding requirements or funding*
23 *directives, funds made available under the headings “Devel-*
24 *opment Assistance” and “Economic Support Fund” in*
25 *prior Acts making appropriations for foreign operations,*
26 *export financing, and related programs may be made avail-*

1 *able to address critical food shortages, subject to prior con-*
2 *sultation with, and the regular notification procedures of,*
3 *the Committees on Appropriations.*

4 *SPENDING PLAN AND NOTIFICATION PROCEDURES*

5 *SEC. 1410. (a) SUBCHAPTER A SPENDING PLAN.—Not*
6 *later than 45 days after the enactment of this Act the Sec-*
7 *retary of State shall submit to the Committees on Appro-*
8 *priations a report detailing planned expenditures for funds*
9 *appropriated under the headings in subchapter A, except*
10 *for funds appropriated under the headings “International*
11 *Disaster Assistance”, “Migration and Refugee Assistance”,*
12 *and “United States Emergency Refugee and Migration As-*
13 *sistance Fund”.*

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

23 *(c) NOTIFICATION.—Funds made available in this*
24 *chapter shall be subject to the regular notification proce-*
25 *dures of the Committees on Appropriations and section*
26 *634A of the Foreign Assistance Act of 1961.*

TERMS AND CONDITIONS

1
2 *SEC. 1411. 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), except that section*
8 *699K of such Act shall not apply to funds in this chapter.*

TITLE II—DOMESTIC MATTERS

CHAPTER 1—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

15 *For an additional amount for “Periodic Censuses and*
16 *Programs”, \$210,000,000, to remain available until ex-*
17 *pendent, for necessary expenses related to the 2010 Decennial*
18 *Census: Provided, That not less than \$3,000,000 shall be*
19 *transferred to the “Office of Inspector General” at the De-*
20 *partment of Commerce for necessary expenses associated*
21 *with oversight activities of the 2010 Decennial Census: Pro-*
22 *vided further, That not less than \$1,000,000 shall be used*
23 *only for a reimbursable agreement with the Defense Con-*
24 *tract Management Agency to provide continuing contract*
25 *management oversight of the 2010 Decennial Census.*

1 *DEPARTMENT OF JUSTICE*2 *FEDERAL PRISON SYSTEM*3 *SALARIES AND EXPENSES*

4 *For an additional amount for “Salaries and Ex-*
5 *penses”, \$178,000,000, to remain available until September*
6 *30, 2008.*

7 *CHAPTER 2—ENERGY AND WATER*8 *DEVELOPMENT*9 *DEPARTMENT OF DEFENSE—CIVIL*10 *DEPARTMENT OF THE ARMY*11 *CORPS OF ENGINEERS—CIVIL*12 *CONSTRUCTION*

13 *For an additional amount for “Construction”, for nec-*
14 *essary expenses related to the consequences of Hurricane*
15 *Katrina and other hurricanes of the 2005 season,*
16 *\$2,835,000,000, to remain available until expended: Pro-*
17 *vided, That such sums shall not be available until October*
18 *1, 2008: Provided further, That the Secretary of the Army*
19 *is directed to use \$1,997,000,000 of the funds provided here-*
20 *in to modify authorized projects in southeast Louisiana to*
21 *provide hurricane, storm and flood damage reduction in the*
22 *greater New Orleans and surrounding areas to the levels*
23 *of protection necessary to achieve the certification required*
24 *for participation in the National Flood Insurance Program*
25 *under the base flood elevations current at the time of enact-*

1 *ment of this Act, and shall use \$1,077,000,000 of those funds*
2 *for the Lake Pontchartrain and Vicinity project and*
3 *\$920,000,000 of those funds for the West Bank and Vicinity*
4 *project: Provided further, That, in addition, \$838,000,000*
5 *of the funds provided herein shall be for elements of South-*
6 *east Louisiana Urban Drainage project within the geo-*
7 *graphic perimeter of the West Bank and Vicinity and Lake*
8 *Pontchartrain and Vicinity projects, to provide for interior*
9 *drainage of runoff from rainfall with a ten percent annual*
10 *exceedance probability: Provided further, That the amounts*
11 *provided herein shall be subject to a 65 percent Federal /*
12 *35 percent non-Federal cost share for the specified purposes:*
13 *Provided further, That beginning not later than 60 days*
14 *after the date of enactment of this Act, the Chief of Engi-*
15 *neers, acting through the Assistant Secretary of the Army*
16 *for Civil Works, shall provide monthly reports to the Com-*
17 *mittees on Appropriations of the House of Representatives*
18 *and the Senate detailing the allocation and obligation of*
19 *these funds.*

20 *FLOOD CONTROL AND COASTAL EMERGENCIES*

21 *For an additional amount for “Flood Control and*
22 *Coastal Emergencies”, as authorized by section 5 of the Act*
23 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
24 *relating to the consequences of Hurricane Katrina and other*
25 *hurricanes of the 2005 season, \$2,926,000,000, to remain*

1 *available until expended: Provided, That such sums shall*
2 *not be available until October 1, 2008: Provided further,*
3 *That funds provided herein shall be used to reduce the risk*
4 *of hurricane and storm damages to the greater New Orleans*
5 *metropolitan area, at full Federal expense, for the following:*
6 *\$704,000,000 shall be used to modify the 17th Street, Orle-*
7 *ans Avenue, and London Avenue drainage canals and in-*
8 *stall pumps and closure structures at or near the lakefront;*
9 *\$90,000,000 shall be used for storm-proofing interior pump*
10 *stations to ensure the operability of the stations during hur-*
11 *ricanes, storms, and high water events; \$459,000,000 shall*
12 *be used for armoring critical elements of the New Orleans*
13 *hurricane and storm damage reduction system; \$53,000,000*
14 *shall be used to improve protection at the Inner Harbor*
15 *Navigation Canal; \$456,000,000 shall be used to replace or*
16 *modify certain non-Federal levees in Plaquemines Parish*
17 *to incorporate the levees into the existing New Orleans to*
18 *Venice hurricane protection project; \$412,000,000 shall be*
19 *used for reinforcing or replacing flood walls, as necessary,*
20 *in the existing Lake Pontchartrain and Vicinity project*
21 *and the existing West Bank and Vicinity project to improve*
22 *the performance of the systems; \$393,000,000 shall be used*
23 *for repair and restoration of authorized protections and*
24 *floodwalls; and \$359,000,000 shall be used to complete the*
25 *authorized protection for the Lake Pontchartrain and Vi-*

1 *cinity Project and for the West Bank and Vicinity Project:*
2 *Provided further, That beginning not later than 60 days*
3 *after the date of enactment of this Act, the Chief of Engi-*
4 *neers, acting through the Assistant Secretary of the Army*
5 *for Civil Works, shall provide monthly reports to the Com-*
6 *mittees on Appropriations of the House of Representatives*
7 *and the Senate detailing the allocation and obligation of*
8 *these funds: Provided further, That any project using funds*
9 *appropriated under this heading shall be initiated only*
10 *after non-Federal interests have entered into binding agree-*
11 *ments with the Assistant Secretary of the Army for Civil*
12 *Works requiring the non-Federal interests to pay 100 per-*
13 *cent of the operation, maintenance, repair, replacement,*
14 *and rehabilitation costs of completed elements and to hold*
15 *and save the United States free from damages due to the*
16 *construction, operation, and maintenance of the project, ex-*
17 *cept for damages due to the fault or negligence of the United*
18 *States or its contractors: Provided further, That the expend-*
19 *iture of funds as provided above may be made without re-*
20 *gard to individual amounts or purposes except that any*
21 *reallocation of funds that is necessary to accomplish the es-*
22 *tablished goals is authorized, subject to the approval of the*
23 *House and Senate Committees on Appropriations.*

1 *CHAPTER 3—LABOR, HEALTH AND HUMAN*2 *SERVICES, AND EDUCATION*3 *DEPARTMENT OF LABOR*4 *EMPLOYMENT AND TRAINING ADMINISTRATION*5 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*6 *SERVICE OPERATIONS*

7 *For an additional amount for “State Unemployment*
8 *Insurance and Employment Service Operations” for grants*
9 *to the States for the administration of State unemployment*
10 *insurance, \$110,000,000, which may be expended from the*
11 *Employment Security Administration Account in the Un-*
12 *employment Trust Fund, to be used for unemployment in-*
13 *surance workloads experienced by the States through Sep-*
14 *tember 30, 2008, which shall be available for Federal obliga-*
15 *tion through December 31, 2008.*

16 *CHAPTER 4—LEGISLATIVE BRANCH*17 *HOUSE OF REPRESENTATIVES*18 *PAYMENT TO WIDOWS AND HEIRS OF DECEASED*19 *MEMBERS OF CONGRESS*

20 *For payment to Annette Lantos, widow of Tom Lan-*
21 *tos, late a Representative from the State of California,*
22 *\$169,300: Provided, That section 8002 shall not apply to*
23 *this appropriation.*

1 *TITLE III—VETERANS EDUCATIONAL*
2 *ASSISTANCE*
3 *SHORT TITLE*

4 *SEC. 3001. This title may be cited as the “Post-9/11*
5 *Veterans Educational Assistance Act of 2008”.*

6 *FINDINGS*

7 *SEC. 3002. Congress makes the following findings:*

8 (1) *On September 11, 2001, terrorists attacked*
9 *the United States, and the brave members of the*
10 *Armed Forces of the United States were called to the*
11 *defense of the Nation.*

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

15 (3) *The United States has a proud history of of-*
16 *fering educational assistance to millions of veterans,*
17 *as demonstrated by the many “G.I. Bills” enacted*
18 *since World War II. Educational assistance for vet-*
19 *erans helps reduce the costs of war, assist veterans in*
20 *readjusting to civilian life after wartime service, and*
21 *boost the United States economy, and has a positive*
22 *effect on recruitment for the Armed Forces.*

23 (4) *The current educational assistance program*
24 *for veterans is outmoded and designed for peacetime*
25 *service in the Armed Forces.*

1 (5) *The people of the United States greatly value*
 2 *military service and recognize the difficult challenges*
 3 *involved in readjusting to civilian life after wartime*
 4 *service in the Armed Forces.*

5 (6) *It is in the national interest for the United*
 6 *States to provide veterans who serve on active duty*
 7 *in the Armed Forces after September 11, 2001, with*
 8 *enhanced educational assistance benefits that are wor-*
 9 *thy of such service and are commensurate with the*
 10 *educational assistance benefits provided by a grateful*
 11 *Nation to veterans of World War II.*

12 *EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED*
 13 *FORCES WHO SERVE AFTER SEPTEMBER 11, 2001*

14 *SEC. 3003. (a) EDUCATIONAL ASSISTANCE AUTHOR-*
 15 *IZED.—*

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

19 **“CHAPTER 33—POST-9/11 EDUCATIONAL**
 20 **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.*

“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.*

1 “SUBCHAPTER I—DEFINITIONS

2 “§ 3301. **Definitions**

3 “*In this chapter:*

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

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

11 “(B) *In the case of members of the reserve*
 12 *components of the Armed Forces, service on ac-*
 13 *tive duty under a call or order to active duty*
 14 *under section 688, 12301(a), 12301(d), 12301(g),*
 15 *12302, or 12304 of title 10.*

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

18 “(A) *In the case of members of the Army,*
 19 *Basic Combat Training and Advanced Indi-*
 20 *vidual Training.*

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

4 “(C) *In the case of members of the Air*
5 *Force, Basic Military Training and Technical*
6 *Training.*

7 “(D) *In the case of members of the Marine*
8 *Corps, Recruit Training and Marine Corps*
9 *Training (or School of Infantry Training).*

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

12 “(3) *The term ‘program of education’ has the*
13 *meaning the meaning given such term in section 3002*
14 *of this title, except to the extent otherwise provided in*
15 *section 3313 of this title.*

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

18 “SUBCHAPTER II—EDUCATIONAL ASSISTANCE

19 “§3311. ***Educational assistance for service in the***
20 ***Armed Forces commencing on or after***
21 ***September 11, 2001: entitlement***

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

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

3 “(1) *An individual who—*

4 “(A) *commencing on or after September 11,*
5 *2001, serves an aggregate of at least 36 months*
6 *on active duty in the Armed Forces (including*
7 *service on active duty in entry level and skill*
8 *training); and*

9 “(B) *after completion of service described in*
10 *subparagraph (A)—*

11 “(i) *continues on active duty; or*

12 “(ii) *is discharged or released from ac-*
13 *tive duty as described in subsection (c).*

14 “(2) *An individual who—*

15 “(A) *commencing on or after September 11,*
16 *2001, serves at least 30 continuous days on ac-*
17 *tive duty in the Armed Forces; and*

18 “(B) *after completion of service described in*
19 *subparagraph (A), is discharged or released from*
20 *active duty in the Armed Forces for a service-*
21 *connected disability.*

22 “(3) *An individual who—*

23 “(A) *commencing on or after September 11,*
24 *2001, serves an aggregate of at least 30 months,*
25 *but less than 36 months, on active duty in the*

1 *Armed Forces (including service on active duty*
2 *in entry level and skill training); and*

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

5 *“(i) continues on active duty for an*
6 *aggregate of less than 36 months; or*

7 *“(ii) before completion of service on ac-*
8 *tive duty of an aggregate of 36 months, is*
9 *discharged or released from active duty as*
10 *described in subsection (c).*

11 *“(4) An individual who—*

12 *“(A) commencing on or after September 11,*
13 *2001, serves an aggregate of at least 24 months,*
14 *but less than 30 months, on active duty in the*
15 *Armed Forces (including service on active duty*
16 *in entry level and skill training); and*

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

19 *“(i) continues on active duty for an*
20 *aggregate of less than 30 months; or*

21 *“(ii) before completion of service on ac-*
22 *tive duty of an aggregate of 30 months, is*
23 *discharged or released from active duty as*
24 *described in subsection (c).*

25 *“(5) An individual who—*

1 “(A) commencing on or after September 11,
2 2001, serves an aggregate of at least 18 months,
3 but less than 24 months, on active duty in the
4 Armed Forces (excluding service on active duty
5 in entry level and skill training); and

6 “(B) after completion of service described in
7 subparagraph (A)—

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

10 “(ii) before completion of service on ac-
11 tive duty of an aggregate of 24 months, is
12 discharged or released from active duty as
13 described in subsection (c).

14 “(6) An individual who—

15 “(A) commencing on or after September 11,
16 2001, serves an aggregate of at least 12 months,
17 but less than 18 months, on active duty in the
18 Armed Forces (excluding service on active duty
19 in entry level and skill training); and

20 “(B) after completion of service described in
21 subparagraph (A)—

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

24 “(ii) before completion of service on ac-
25 tive duty of an aggregate of 18 months, is

1 *discharged or released from active duty as*
2 *described in subsection (c).*

3 “(7) *An individual who—*

4 “(A) *commencing on or after September 11,*
5 *2001, serves an aggregate of at least 6 months,*
6 *but less than 12 months, on active duty in the*
7 *Armed Forces (excluding service on active duty*
8 *in entry level and skill training); and*

9 “(B) *after completion of service described in*
10 *subparagraph (A)—*

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

13 “(ii) *before completion of service on ac-*
14 *tive duty of an aggregate of 12 months, is*
15 *discharged or released from active duty as*
16 *described in subsection (c).*

17 “(8) *An individual who—*

18 “(A) *commencing on or after September 11,*
19 *2001, serves an aggregate of at least 90 days, but*
20 *less than 6 months, on active duty in the Armed*
21 *Forces (excluding service on active duty in entry*
22 *level and skill training); and*

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

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

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

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

10 “(1) A discharge from active duty in the Armed
11 Forces with an honorable discharge.

12 “(2) A release after service on active duty in the
13 Armed Forces characterized by the Secretary con-
14 cerned as honorable service and placement on the re-
15 tired list, transfer to the Fleet Reserve or Fleet Ma-
16 rine Corps Reserve, or placement on the temporary
17 disability retired list.

18 “(3) A release from active duty in the Armed
19 Forces for further service in a reserve component of
20 the Armed Forces after service on active duty charac-
21 terized by the Secretary concerned as honorable serv-
22 ice.

23 “(4) A discharge or release from active duty in
24 the Armed Forces for—

1 “(A) a medical condition which preexisted
2 the service of the individual as described in the
3 applicable paragraph of subsection (b) and
4 which the Secretary determines is not service-
5 connected;

6 “(B) hardship; or

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

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

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

22 “(2) A period of service on active duty of an offi-
23 cer pursuant to an agreement under section 4348,
24 6959, or 9348 of title 10.

1 “(3) *A period of service that is terminated be-*
2 *cause of a defective enlistment and induction based*
3 *on—*

4 “(A) *the individual’s being a minor for*
5 *purposes of service in the Armed Forces;*

6 “(B) *an erroneous enlistment or induction;*
7 *or*

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

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

16 “**§ 3312. Educational assistance: duration**

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

22 “(b) *CONTINUING RECEIPT.—The receipt of edu-*
23 *cational assistance under section 3313 of this title by an*
24 *individual entitled to educational assistance under this*

1 *chapter is subject to the provisions of section 3321(b)(2) of*
2 *this title.*

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

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

9 “(B) *be counted against the aggregate period for*
10 *which section 3695 of this title limits the individual’s*
11 *receipt of educational assistance under this chapter.*

12 “(2) *Subject to paragraph (3), the payment of edu-*
13 *cational assistance described in this paragraph is the pay-*
14 *ment of such assistance to an individual for pursuit of a*
15 *course or courses under this chapter if the Secretary finds*
16 *that the individual—*

17 “(A)(i) *in the case of an individual not serving*
18 *on active duty, had to discontinue such course pursuit*
19 *as a result of being called or ordered to serve on ac-*
20 *tive duty under section 688, 12301(a), 12301(d),*
21 *12301(g), 12302, or 12304 of title 10; or*

22 “(ii) *in the case of an individual serving on ac-*
23 *tive duty, had to discontinue such course pursuit as*
24 *a result of being ordered to a new duty location or*

1 *assignment or to perform an increased amount of*
2 *work; and*

3 “(B) *failed to receive credit or lost training time*
4 *toward completion of the individual’s approved edu-*
5 *cation, professional, or vocational objective as a result*
6 *of having to discontinue, as described in subpara-*
7 *graph (A), the individual’s course pursuit.*

8 “(3) *The period for which, by reason of this subsection,*
9 *educational assistance is not charged against entitlement*
10 *or counted toward the applicable aggregate period under*
11 *section 3695 of this title shall not exceed the portion of the*
12 *period of enrollment in the course or courses from which*
13 *the individual failed to receive credit or with respect to*
14 *which the individual lost training time, as determined*
15 *under paragraph (2)(B).*

16 **“§ 3313. Educational assistance: amount; payment**

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

24 “(b) *APPROVED PROGRAMS OF EDUCATION.—A pro-*
25 *gram of education is an approved program of education*

1 *for purposes of this chapter if the program of education is*
2 *offered by an institution of higher learning (as that term*
3 *is defined in section 3452(f) of this title) and is approved*
4 *for purposes of chapter 30 of this title (including approval*
5 *by the State approving agency concerned).*

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

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

13 “(A) *An amount equal to the established*
14 *charges for the program of education, except that*
15 *the amount payable under this subparagraph*
16 *may not exceed the maximum amount of estab-*
17 *lished charges regularly charged in-State stu-*
18 *dents for full-time pursuit of approved programs*
19 *of education for undergraduates by the public in-*
20 *stitution of higher education offering approved*
21 *programs of education for undergraduates in the*
22 *State in which the individual is enrolled that*
23 *has the highest rate of regularly-charged estab-*
24 *lished charges for such programs of education*
25 *among all public institutions of higher education*

1 *in such State offering such programs of edu-*
2 *cation.*

3 “(B) *A monthly stipend in an amount as*
4 *follows:*

5 “(i) *For each month the individual*
6 *pursues the program of education, other*
7 *than a program of education offered through*
8 *distance learning, a monthly housing sti-*
9 *pend amount equal to the monthly amount*
10 *of the basic allowance for housing payable*
11 *under section 403 of title 37 for a member*
12 *with dependents in pay grade E-5 residing*
13 *in the military housing area that encom-*
14 *passes all or the majority portion of the*
15 *ZIP code area in which is located the insti-*
16 *tution of higher education at which the in-*
17 *dividual is enrolled.*

18 “(ii) *For the first month of each quar-*
19 *ter, semester, or term, as applicable, of the*
20 *program of education pursued by the indi-*
21 *vidual, a lump sum amount for books, sup-*
22 *plies, equipment, and other educational*
23 *costs with respect to such quarter, semester,*
24 *or term in the amount equal to—*

25 “(I) *\$1,000, multiplied by*

1 “(II) the fraction which is the
2 portion of a complete academic year
3 under the program of education that
4 such quarter, semester, or term con-
5 stitutes.

6 “(2) In the case of an individual entitled to edu-
7 cational assistance under this chapter by reason of
8 section 3311(b)(3) of this title, amounts equal to 90
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 “(3) In the case of an individual entitled to edu-
15 cational assistance under this chapter by reason of
16 section 3311(b)(4) of this title, amounts equal to 80
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 “(4) In the case of an individual entitled to edu-
23 cational assistance under this chapter by reason of
24 section 3311(b)(5) of this title, amounts equal to 70
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 *“(5) In the case of an individual entitled to edu-*
6 *cational assistance under this chapter by reason of*
7 *section 3311(b)(6) of this title, amounts equal to 60*
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 *“(6) In the case of an individual entitled to edu-*
14 *cational assistance under this chapter by reason of*
15 *section 3311(b)(7) of this title, amounts equal to 50*
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 *“(7) In the case of an individual entitled to edu-*
22 *cational assistance under this chapter by reason of*
23 *section 3311(b)(8) of this title, amounts equal to 40*
24 *percent of the amounts that would be payable to the*
25 *individual under paragraph (1) for the program of*

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

4 “(d) *FREQUENCY OF PAYMENT.—(1) Payment of the*
5 *amounts payable under subsection (c)(1)(A), and of similar*
6 *amounts payable under paragraphs (2) through (7) of sub-*
7 *section (c), for pursuit of a program of education shall be*
8 *made for the entire quarter, semester, or term, as applicable,*
9 *of the program of education.*

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

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

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

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

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

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

10 “(3) *Payment of the amount payable under paragraph*
11 *(2) for pursuit of a program of education shall be made*
12 *for the entire quarter, semester, or term, as applicable, of*
13 *the program of education.*

14 “(4) *For each month (as determined pursuant to the*
15 *methods prescribed under subsection (d)(3)) for which*
16 *amounts are paid an individual under this subsection, the*
17 *entitlement of the individual to educational assistance*
18 *under this chapter shall be charged at the rate of one month*
19 *for each such month.*

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

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

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

5 “(i) *the established charges which similarly*
6 *circumstanced nonveterans enrolled in the pro-*
7 *gram of education involved would be required to*
8 *pay; or*

9 “(ii) *the maximum amount that would be*
10 *payable to the individual for the program of edu-*
11 *cation under paragraph (1)(A) of subsection (c),*
12 *or under the provisions of paragraphs (2)*
13 *through (7) of subsection (c) applicable to the in-*
14 *dividual, for the program of education if the in-*
15 *dividual were entitled to amounts for the pro-*
16 *gram of education under subsection (c) rather*
17 *than this subsection.*

18 “(B) *A stipend in an amount equal to the*
19 *amount of the appropriately reduced amount of the*
20 *lump sum amount for books, supplies, equipment, and*
21 *other educational costs otherwise payable to the indi-*
22 *vidual under subsection (c).*

23 “(3) *Payment of the amounts payable to an individual*
24 *under paragraph (2) for pursuit of a program of education*
25 *on half-time basis or less shall be made for the entire quar-*

1 *ter, semester, or term, as applicable, of the program of edu-*
2 *cation.*

3 “(4) *For each month (as determined pursuant to the*
4 *methods prescribed under subsection (d)(3)) for which*
5 *amounts are paid an individual under this subsection, the*
6 *entitlement of the individual to educational assistance*
7 *under this chapter shall be charged at a percentage of a*
8 *month equal to—*

9 “(A) *the number of course hours borne by the in-*
10 *dividual in pursuit of the program of education in-*
11 *volved, divided by*

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

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

20 “(h) *ESTABLISHED CHARGES DEFINED.—(1) In this*
21 *section, the term ‘established charges’, in the case of a pro-*
22 *gram of education, means the actual charges (as determined*
23 *pursuant to regulations prescribed by the Secretary) for tui-*
24 *tion and fees which similarly circumstanced nonveterans*

1 enrolled in the program of education would be required to
2 pay.

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

5 “(A) In the case of an individual enrolled in a
6 program of education offered on a term, quarter, or
7 semester basis, the tuition and fees charged the indi-
8 vidual for the term, quarter, or semester.

9 “(B) In the case of an individual enrolled in a
10 program of education not offered on a term, quarter,
11 or semester basis, the tuition and fees charged the in-
12 dividual for the entire program of education.

13 **“§ 3314. Tutorial assistance**

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

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

21 “(2) In addition to the conditions specified in para-
22 graph (1), benefits may not be provided to an individual
23 under subsection (a) unless the professor or other individual
24 teaching, leading, or giving the course for which such bene-
25 fits are provided certifies that—

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

3 “(B) such course is required as a part of, or is
4 prerequisite or indispensable to the satisfactory pur-
5 suit of, an approved program of education.

6 “(c) AMOUNT.—(1) The amount of benefits described
7 in subsection (a) that are payable under this section may
8 not exceed \$100 per month, for a maximum of 12 months,
9 or until a maximum of \$1,200 is utilized.

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

13 “(d) NO CHARGE AGAINST ENTITLEMENT.—Any bene-
14 fits provided an individual under subsection (a) are in ad-
15 dition to any other educational assistance benefits provided
16 the individual under this chapter.

17 “**§ 3315. Licensure and certification tests**

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

22 “(b) LIMITATION ON AMOUNT.—The amount payable
23 under subsection (a) for a licensing or certification test may
24 not exceed the lesser of—

25 “(1) \$2,000; or

1 “(2) the fee charged for the test.

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

6 “**§3316. Supplemental educational assistance: mem-**
7 **bers with critical skills or specialty; mem-**
8 **bers serving additional service**

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

20 “(2) The amount of the increase in educational assist-
21 ance authorized by paragraph (1) may not exceed the
22 amount equal to the monthly amount of increased basic
23 educational assistance providable under section 3015(d)(1)
24 of this title at the time of the increase under paragraph
25 (1).

1 “(b) *SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL*
2 *SERVICE.*—(1) *The Secretary concerned may provide for the*
3 *payment to an individual entitled to educational assistance*
4 *under this chapter of supplemental educational assistance*
5 *for additional service authorized by subchapter III of chap-*
6 *ter 30 of this title. The amount so payable shall be payable*
7 *as an increase in the monthly amount of educational assist-*
8 *ance otherwise payable to the individual under paragraph*
9 *(1)(B) of section 3313(c) of this title, or under paragraphs*
10 *(2) through (7) of such section (as applicable).*

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

19 “(3) *The amount of supplemental educational assist-*
20 *ance payable under this subsection shall be the amount*
21 *equal to the monthly amount of supplemental educational*
22 *payable under section 3022 of this title.*

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

1 **“§ 3317. Public-private contributions for additional**
2 **educational assistance**

3 “(a) *ESTABLISHMENT OF PROGRAM.*—*In instances*
4 *where the educational assistance provided pursuant to sec-*
5 *tion 3313(c)(1)(A) does not cover the full cost of established*
6 *charges (as specified in section 3313 of this title), the Sec-*
7 *retary shall carry out a program under which colleges and*
8 *universities can, voluntarily, enter into an agreement with*
9 *the Secretary to cover a portion of those established charges*
10 *not otherwise covered under section 3313(c)(1)(A), which*
11 *contributions shall be matched by equivalent contributions*
12 *toward such costs by the Secretary. The program shall only*
13 *apply to covered individuals described in paragraphs (1)*
14 *and (2) of section 3311(b).*

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

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

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

25 “(2) *The maximum amount of the contribution*
26 *to be made by the college or university concerned with*

1 *respect to any particular individual in any given*
2 *academic year.*

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

6 “(4) *Such other matters as the Secretary and the*
7 *college or university concerned jointly consider appro-*
8 *priate.*

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

18 “(2) *Amounts available to the Secretary under section*
19 *3324(b) of this title for payment of the costs of this chapter*
20 *shall be available to the Secretary for purposes of paragraph*
21 *(1).*

22 “(e) *OUTREACH.—The Secretary shall make available*
23 *on the Internet website of the Department available to the*
24 *public a current list of the colleges and universities partici-*
25 *pating in the program under this section. The list shall*

1 *loan under chapter 109 of title 10 may not be counted as*
2 *a period of service for entitlement to educational assistance*
3 *under this chapter.*

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

10 “(d) *ADDITIONAL COORDINATION MATTERS.*—*In the*
11 *case of an individual entitled to educational assistance*
12 *under chapter 30, 31, 32, or 35 of this title, chapter 107,*
13 *1606, or 1607 of title 10, or the provisions of the Hostage*
14 *Relief Act of 1980, or making contributions toward entitle-*
15 *ment to educational assistance under chapter 30 of this*
16 *title, as of August 1, 2009, coordination of entitlement to*
17 *educational assistance under this chapter, on the one hand,*
18 *and such chapters or provisions, on the other, shall be gov-*
19 *erned by the provisions of section 3003(c) of the Post-9/11*
20 *Veterans Educational Assistance Act of 2008.*

21 **“§ 3323. Administration**

22 “(a) *IN GENERAL.*—(1) *Except as otherwise provided*
23 *in this chapter, the provisions specified in section*
24 *3034(a)(1) of this title shall apply to the provision of edu-*
25 *cational assistance under this chapter.*

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

7 “(3) *In applying section 3474 of this title to an indi-*
8 *vidual entitled to educational assistance under this chapter*
9 *for purposes of this section, the reference in such section*
10 *3474 to the term ‘educational assistance allowance’ shall*
11 *be deemed to refer to educational assistance payable under*
12 *section 3313 of this title.*

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

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

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

23 “(b) *INFORMATION ON BENEFITS.—(1) The Secretary*
24 *of Veterans Affairs shall provide the information described*
25 *in paragraph (2) to each member of the Armed Forces at*

1 *such times as the Secretary of Veterans Affairs and the Sec-*
2 *retary of Defense shall jointly prescribe in regulations.*

3 “(2) *The information described in this paragraph is*
4 *information on benefits, limitations, procedures, eligibility*
5 *requirements (including time-in-service requirements), and*
6 *other important aspects of educational assistance under this*
7 *chapter, including application forms for such assistance*
8 *under section 5102 of this title.*

9 “(3) *The Secretary of Veterans Affairs shall furnish*
10 *the information and forms described in paragraph (2), and*
11 *other educational materials on educational assistance under*
12 *this chapter, to educational institutions, training establish-*
13 *ments, military education personnel, and such other persons*
14 *and entities as the Secretary considers appropriate.*

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

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

20 **“§ 3324. Allocation of administration and costs**

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

24 “(b) *COSTS.—Payments for entitlement to educational*
25 *assistance earned under this chapter shall be made from*

1 *funds appropriated to, or otherwise made available to, the*
 2 *Department of Veterans Affairs for the payment of readjust-*
 3 *ment benefits.”.*

4 (2) *CLERICAL AMENDMENTS.—The tables of*
 5 *chapters at the beginning of title 38, United States*
 6 *Code, and at the beginning of part III of such title,*
 7 *are each amended by inserting after the item relating*
 8 *to chapter 32 the following new item:*

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

9 (b) *CONFORMING AMENDMENTS.—*

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

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

14 (i) *in subsection (a)(1), by inserting*
 15 *“33,” after “32,”; and*

16 (ii) *in subsection (c), by striking “both*
 17 *the program established by this chapter and*
 18 *the program established by chapter 106 of*
 19 *title 10” and inserting “two or more of the*
 20 *programs established by this chapter, chap-*
 21 *ter 33 of this title, and chapters 1606 and*
 22 *1607 of title 10”.*

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

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

3 (C) Section 16163(e) of title 10, United
4 States Code, is amended by inserting “33,” after
5 “32,”.

6 (2) *ADDITIONAL CONFORMING AMENDMENTS.*—

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

10 (i) In subsections (b) and (e)(1) of sec-
11 tion 3485.

12 (ii) In section 3688(b).

13 (iii) In subsections (a)(1), (c)(1),
14 (c)(1)(G), (d), and (e)(2) of section 3689.

15 (iv) In section 3690(b)(3)(A).

16 (v) In subsections (a) and (b) of section
17 3692.

18 (vi) In section 3697(a).

19 (B) Section 3697A(b)(1) of such title is
20 amended by striking “or 32” and inserting “32,
21 or 33”.

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

24 (1) *INDIVIDUALS ELIGIBLE TO ELECT PARTICIPA-*
25 *TION IN POST-9/11 EDUCATIONAL ASSISTANCE.*—An

1 *individual may elect to receive educational assistance*
2 *under chapter 33 of title 38, United States Code (as*
3 *added by subsection (a)), if such individual—*

4 *(A) as of August 1, 2009—*

5 *(i) is entitled to basic educational as-*
6 *sistance under chapter 30 of title 38, United*
7 *States Code, and has used, but retains un-*
8 *used, entitlement under that chapter;*

9 *(ii) is entitled to educational assist-*
10 *ance under chapter 107, 1606, or 1607 of*
11 *title 10, United States Code, and has used,*
12 *but retains unused, entitlement under the*
13 *applicable chapter;*

14 *(iii) is entitled to basic educational as-*
15 *sistance under chapter 30 of title 38, United*
16 *States Code, but has not used any entitle-*
17 *ment under that chapter;*

18 *(iv) is entitled to educational assist-*
19 *ance under chapter 107, 1606, or 1607 of*
20 *title 10, United States Code, but has not*
21 *used any entitlement under such chapter;*

22 *(v) is a member of the Armed Forces*
23 *who is eligible for receipt of basic edu-*
24 *cational assistance under chapter 30 of title*
25 *38, United States Code, and is making con-*

1 *tributions toward such assistance under sec-*
2 *tion 3011(b) or 3012(c) of such title; or*

3 *(vi) is a member of the Armed Forces*
4 *who is not entitled to basic educational as-*
5 *sistance under chapter 30 of title 38, United*
6 *States Code, by reason of an election under*
7 *section 3011(c)(1) or 3012(d)(1) of such*
8 *title; and*

9 *(B) as of the date of the individual's elec-*
10 *tion under this paragraph, meets the require-*
11 *ments for entitlement to educational assistance*
12 *under chapter 33 of title 38, United States Code*
13 *(as so added).*

14 (2) *CESSATION OF CONTRIBUTIONS TOWARD GI*
15 *BILL.—Effective as of the first month beginning on or*
16 *after the date of an election under paragraph (1) of*
17 *an individual described by subparagraph (A)(v) of*
18 *that paragraph, the obligation of the individual to*
19 *make contributions under section 3011(b) or 3012(c)*
20 *of title 38, United States Code, as applicable, shall*
21 *cease, and the requirements of such section shall be*
22 *deemed to be no longer applicable to the individual.*

23 (3) *REVOCATION OF REMAINING TRANSFERRED*
24 *ENTITLEMENT.—*

1 (A) *ELECTION TO REVOKE.*—If, on the date
2 an individual described in subparagraph (A)(i)
3 or (A)(iii) of paragraph (1) makes an election
4 under that paragraph, a transfer of the entitle-
5 ment of the individual to basic educational as-
6 sistance under section 3020 of title 38, United
7 States Code, is in effect and a number of months
8 of the entitlement so transferred remain unuti-
9 lized, the individual may elect to revoke all or a
10 portion of the entitlement so transferred that re-
11 mains unutilized.

12 (B) *AVAILABILITY OF REVOKED ENTITLE-*
13 *MENT.*—Any entitlement revoked by an indi-
14 vidual under this paragraph shall no longer be
15 available to the dependent to whom transferred,
16 but shall be available to the individual instead
17 for educational assistance under chapter 33 of
18 title 38, United States Code (as so added), in ac-
19 cordance with the provisions of this subsection.

20 (C) *AVAILABILITY OF UNREVOKED ENTITLE-*
21 *MENT.*—Any entitlement described in subpara-
22 graph (A) that is not revoked by an individual
23 in accordance with that subparagraph shall re-
24 main available to the dependent or dependents
25 concerned in accordance with the current trans-

1 *fer of such entitlement under section 3020 of title*
2 *38, United States Code.*

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

4 (A) *IN GENERAL.*—*Subject to subparagraph*
5 *(B) and except as provided in paragraph (5), an*
6 *individual making an election under paragraph*
7 *(1) shall be entitled to educational assistance*
8 *under chapter 33 of title 38, United States Code*
9 *(as so added), in accordance with the provisions*
10 *of such chapter, instead of basic educational as-*
11 *sistance under chapter 30 of title 38, United*
12 *States Code, or educational assistance under*
13 *chapter 107, 1606, or 1607 of title 10, United*
14 *States Code, as applicable.*

15 (B) *LIMITATION ON ENTITLEMENT FOR CER-*
16 *TAIN INDIVIDUALS.*—*In the case of an individual*
17 *making an election under paragraph (1) who is*
18 *described by subparagraph (A)(i) of that para-*
19 *graph, the number of months of entitlement of*
20 *the individual to educational assistance under*
21 *chapter 33 of title 38, United States Code (as so*
22 *added), shall be the number of months equal to—*

23 (i) *the number of months of unused en-*
24 *titlement of the individual under chapter 30*

1 of title 38, United States Code, as of the
2 date of the election, plus

3 (ii) the number of months, if any, of
4 entitlement revoked by the individual under
5 paragraph (3)(A).

6 (5) CONTINUING ENTITLEMENT TO EDUCATIONAL
7 ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE
8 PROGRAM.—

9 (A) IN GENERAL.—In the event educational
10 assistance to which an individual making an
11 election under paragraph (1) would be entitled
12 under chapter 30 of title 38, United States Code,
13 or chapter 107, 1606, or 1607 of title 10, United
14 States Code, as applicable, is not authorized to
15 be available to the individual under the provi-
16 sions of chapter 33 of title 38, United States
17 Code (as so added), the individual shall remain
18 entitled to such educational assistance in accord-
19 ance with the provisions of the applicable chap-
20 ter.

21 (B) CHARGE FOR USE OF ENTITLEMENT.—
22 The utilization by an individual of entitlement
23 under subparagraph (A) shall be chargeable
24 against the entitlement of the individual to edu-
25 cational assistance under chapter 33 of title 38,

1 *United States Code (as so added), at the rate of*
2 *one month of entitlement under such chapter 33*
3 *for each month of entitlement utilized by the in-*
4 *dividual under subparagraph (A) (as determined*
5 *as if such entitlement were utilized under the*
6 *provisions of chapter 30 of title 38, United*
7 *States Code, or chapter 107, 1606, or 1607 of*
8 *title 10, United States Code, as applicable).*

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

12 (A) *ADDITIONAL ASSISTANCE.—In the case*
13 *of an individual making an election under para-*
14 *graph (1) who is described by clause (i), (iii), or*
15 *(v) of subparagraph (A) of that paragraph, the*
16 *amount of educational assistance payable to the*
17 *individual under chapter 33 of title 38, United*
18 *States Code (as so added), as a monthly stipend*
19 *payable under paragraph (1)(B) of section*
20 *3313(c) of such title (as so added), or under*
21 *paragraphs (2) through (7) of that section (as*
22 *applicable), shall be the amount otherwise pay-*
23 *able as a monthly stipend under the applicable*
24 *paragraph increased by the amount equal to—*

1 (i) *the total amount of contributions*
2 *toward basic educational assistance made*
3 *by the individual under section 3011(b) or*
4 *3012(c) of title 38, United States Code, as*
5 *of the date of the election, multiplied by*

6 (ii) *the fraction—*

7 (I) *the numerator of which is—*

8 (aa) *the number of months of*
9 *entitlement to basic educational*
10 *assistance under chapter 30 of*
11 *title 38, United States Code, re-*
12 *maining to the individual at the*
13 *time of the election; plus*

14 (bb) *the number of months, if*
15 *any, of entitlement under such*
16 *chapter 30 revoked by the indi-*
17 *vidual under paragraph (3)(A);*
18 *and*

19 (II) *the denominator of which is*

20 *36 months.*

21 (B) *MONTHS OF REMAINING ENTITLEMENT*
22 *FOR CERTAIN INDIVIDUALS.—In the case of an*
23 *individual covered by subparagraph (A) who is*
24 *described by paragraph (1)(A)(v), the number of*
25 *months of entitlement to basic educational assist-*

1 *ance remaining to the individual for purposes of*
2 *subparagraph (A)(ii)(I)(aa) shall be 36 months.*

3 (C) *TIMING OF PAYMENT.—The amount*
4 *payable with respect to an individual under sub-*
5 *paragraph (A) shall be paid to the individual to-*
6 *gether with the last payment of the monthly sti-*
7 *pend payable to the individual under paragraph*
8 *(1)(B) of section 3313(c) of title 38, United*
9 *States Code (as so added), or under paragraphs*
10 *(2) through (7) of that section (as applicable),*
11 *before the exhaustion of the individual’s entitle-*
12 *ment to educational assistance under chapter 33*
13 *of such title (as so added).*

14 (7) *CONTINUING ENTITLEMENT TO ADDITIONAL*
15 *ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY*
16 *AND ADDITIONAL SERVICE.—An individual making*
17 *an election under paragraph (1)(A) who, at the time*
18 *of the election, is entitled to increased educational as-*
19 *sistance under section 3015(d) of title 38, United*
20 *States Code, or section 16131(i) of title 10, United*
21 *States Code, or supplemental educational assistance*
22 *under subchapter III of chapter 30 of title 38, United*
23 *States Code, shall remain entitled to such increased*
24 *educational assistance or supplemental educational*
25 *assistance in the utilization of entitlement to edu-*

1 *ational assistance under chapter 33 of title 38,*
2 *United States Code (as so added), in an amount*
3 *equal to the quarter, semester, or term, as applicable,*
4 *equivalent of the monthly amount of such increased*
5 *educational assistance or supplemental educational*
6 *assistance payable with respect to the individual at*
7 *the time of the election.*

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

10 (d) *EFFECTIVE DATE.*—*This section and the amend-*
11 *ments made by this section shall take effect on August 1,*
12 *2009.*

13 *INCREASE IN AMOUNTS OF BASIC EDUCATIONAL*
14 *ASSISTANCE UNDER THE MONTGOMERY GI BILL*

15 *SEC. 3004. (a) EDUCATIONAL ASSISTANCE BASED ON*
16 *THREE-YEAR PERIOD OF OBLIGATED SERVICE.*—*Sub-*
17 *section (a)(1) of section 3015 of title 38, United States Code,*
18 *is amended—*

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

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

24 (2) *by redesignating subparagraph (D) as sub-*
25 *paragraph (B).*

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

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

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

9 (2) *by redesignating subparagraph (D) as sub-*
10 *paragraph (B).*

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

15 “(A) *the average cost of undergraduate tuition in*
16 *the United States, as determined by the National*
17 *Center for Education Statistics, for the last academic*
18 *year preceding the beginning of the fiscal year for*
19 *which the increase is made, exceeds*

20 “(B) *the average cost of undergraduate tuition in*
21 *the United States, as so determined, for the academic*
22 *year preceding the academic year described in sub-*
23 *paragraph (A).”.*

24 (d) *EFFECTIVE DATE.*—

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

3 (2) *NO COST-OF-LIVING ADJUSTMENT FOR FISCAL*
4 *YEAR 2009.*—*The adjustment required by subsection*
5 *(h) of section 3015 of title 38, United States Code (as*
6 *amended by this section), in rates of basic educational*
7 *assistance payable under subsections (a) and (b) of*
8 *such section (as so amended) shall not be made for*
9 *fiscal year 2009.*

10 *MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSE-*
11 *MENT OF STATE AND LOCAL AGENCIES ADMIN-*
12 *ISTERING VETERANS EDUCATION BENEFITS*

13 *SEC. 3005. Section 3674(a)(4) of title 38, United*
14 *States Code, is amended by striking “may not exceed” and*
15 *all that follows through the end and inserting “shall be*
16 *\$19,000,000.”.*

17 *TITLE IV—EMERGENCY UNEMPLOYMENT*
18 *COMPENSATION*

19 *FEDERAL-STATE AGREEMENTS*

20 *SEC. 4001. (a) IN GENERAL.*—*Any State which desires*
21 *to do so may enter into and participate in an agreement*
22 *under this title with the Secretary of Labor (in this title*
23 *referred to as the “Secretary”). Any State which is a party*
24 *to an agreement under this title may, upon providing 30*
25 *days’ written notice to the Secretary, terminate such agree-*
26 *ment.*

1 (b) *PROVISIONS OF AGREEMENT.*—Any agreement
2 under subsection (a) shall provide that the State agency of
3 the State will make payments of emergency unemployment
4 compensation to individuals who—

5 (1) have exhausted all rights to regular com-
6 pensation under the State law or under Federal law
7 with respect to a benefit year (excluding any benefit
8 year that ended before May 1, 2007);

9 (2) have no rights to regular compensation or ex-
10 tended compensation with respect to a week under
11 such law or any other State unemployment compensa-
12 tion law or to compensation under any other Federal
13 law (except as provided under subsection (e)); and

14 (3) are not receiving compensation with respect
15 to such week under the unemployment compensation
16 law of Canada.

17 (c) *EXHAUSTION OF BENEFITS.*—For purposes of sub-
18 section (b)(1), an individual shall be deemed to have ex-
19 hausted such individual's rights to regular compensation
20 under a State law when—

21 (1) no payments of regular compensation can be
22 made under such law because such individual has re-
23 ceived all regular compensation available to such in-
24 dividual based on employment or wages during such
25 individual's base period; or

1 (2) *such individual's rights to such compensation*
2 *have been terminated by reason of the expiration of*
3 *the benefit year with respect to which such rights ex-*
4 *isted.*

5 (d) *WEEKLY BENEFIT AMOUNT, ETC.—For purposes*
6 *of any agreement under this title—*

7 (1) *the amount of emergency unemployment*
8 *compensation which shall be payable to any indi-*
9 *vidual for any week of total unemployment shall be*
10 *equal to the amount of the regular compensation (in-*
11 *cluding dependents' allowances) payable to such indi-*
12 *vidual during such individual's benefit year under*
13 *the State law for a week of total unemployment;*

14 (2) *the terms and conditions of the State law*
15 *which apply to claims for regular compensation and*
16 *to the payment thereof shall apply to claims for emer-*
17 *gency unemployment compensation and the payment*
18 *thereof, except where otherwise inconsistent with the*
19 *provisions of this title or with the regulations or oper-*
20 *ating instructions of the Secretary promulgated to*
21 *carry out this title; and*

22 (3) *the maximum amount of emergency unem-*
23 *ployment compensation payable to any individual for*
24 *whom an emergency unemployment compensation ac-*
25 *count is established under section 4002 shall not ex-*

1 *ceed the amount established in such account for such*
2 *individual.*

3 (e) *ELECTION BY STATES.*—*Notwithstanding any*
4 *other provision of Federal law (and if State law permits),*
5 *the Governor of a State that is in an extended benefit period*
6 *may provide for the payment of emergency unemployment*
7 *compensation prior to extended compensation to individ-*
8 *uals who otherwise meet the requirements of this section.*

9 *EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT*

10 *SEC. 4002. (a) IN GENERAL.*—*Any agreement under*
11 *this title shall provide that the State will establish, for each*
12 *eligible individual who files an application for emergency*
13 *unemployment compensation, an emergency unemployment*
14 *compensation account with respect to such individual's ben-*
15 *efit year.*

16 (b) *AMOUNT IN ACCOUNT.*—

17 (1) *IN GENERAL.*—*The amount established in an*
18 *account under subsection (a) shall be equal to the less-*
19 *er of—*

20 (A) *50 percent of the total amount of reg-*
21 *ular compensation (including dependents' allow-*
22 *ances) payable to the individual during the indi-*
23 *vidual's benefit year under such law, or*

24 (B) *13 times the individual's average week-*
25 *ly benefit amount for the benefit year.*

1 (2) *WEEKLY BENEFIT AMOUNT.*—For purposes of
2 this subsection, an individual’s weekly benefit amount
3 for any week is the amount of regular compensation
4 (including dependents’ allowances) under the State
5 law payable to such individual for such week for total
6 unemployment.

7 (c) *SPECIAL RULE.*—

8 (1) *IN GENERAL.*—Notwithstanding any other
9 provision of this section, if, at the time that the indi-
10 vidual’s account is exhausted or at any time there-
11 after, such individual’s State is in an extended benefit
12 period (as determined under paragraph (2)), then,
13 such account shall be augmented by an amount equal
14 to the amount originally established in such account
15 (as determined under subsection (b)(1)).

16 (2) *EXTENDED BENEFIT PERIOD.*—For purposes
17 of paragraph (1), a State shall be considered to be in
18 an extended benefit period, as of any given time, if—

19 (A) such a period is then in effect for such
20 State under the Federal-State Extended Unem-
21 ployment Compensation Act of 1970;

22 (B) such a period would then be in effect for
23 such State under such Act if section 203(d) of
24 such Act—

1 (i) were applied by substituting “4”
2 for “5” each place it appears; and

3 (ii) did not include the requirement
4 under paragraph (1)(A); or

5 (C) such a period would then be in effect for
6 such State under such Act if—

7 (i) section 203(f) of such Act were ap-
8 plied to such State (regardless of whether
9 the State by law had provided for such ap-
10 plication); and

11 (ii) such section 203(f)—

12 (I) were applied by substituting
13 ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i);
14 and

15 (II) did not include the require-
16 ment under paragraph (1)(A)(ii).

17 PAYMENTS TO STATES HAVING AGREEMENTS FOR THE
18 PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

19 SEC. 4003. (a) GENERAL RULE.—There shall be paid
20 to each State that has entered into an agreement under this
21 title an amount equal to 100 percent of the emergency un-
22 employment compensation paid to individuals by the State
23 pursuant to such agreement.

24 (b) TREATMENT OF REIMBURSABLE COMPENSA-
25 TION.—No payment shall be made to any State under this
26 section in respect of any compensation to the extent the

1 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for
2 the making of payments to States having agreements en-
3 tered into under this title.

4 (b) CERTIFICATION.—The Secretary shall from time to
5 time certify to the Secretary of the Treasury for payment
6 to each State the sums payable to such State under this
7 title. The Secretary of the Treasury, prior to audit or settle-
8 ment by the Government Accountability Office, shall make
9 payments to the State in accordance with such certification,
10 by transfers from the extended unemployment compensation
11 account (as so established) to the account of such State in
12 the Unemployment Trust Fund (as so established).

13 (c) ASSISTANCE TO STATES.—There are appropriated
14 out of the employment security administration account (as
15 established by section 901(a) of the Social Security Act (42
16 U.S.C. 1101(a)) of the Unemployment Trust Fund, without
17 fiscal year limitation, such funds as may be necessary for
18 purposes of assisting States (as provided in title III of the
19 Social Security Act (42 U.S.C. 501 et seq.)) in meeting the
20 costs of administration of agreements under this title.

21 (d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—
22 There are appropriated from the general fund of the Treas-
23 ury, without fiscal year limitation, to the extended unem-
24 ployment compensation account (as so established) of the
25 Unemployment Trust Fund (as so established) such sums

1 *as the Secretary estimates to be necessary to make the pay-*
2 *ments under this section in respect of—*

3 *(1) compensation payable under chapter 85 of*
4 *title 5, United States Code; and*

5 *(2) compensation payable on the basis of services*
6 *to which section 3309(a)(1) of the Internal Revenue*
7 *Code of 1986 applies.*

8 *Amounts appropriated pursuant to the preceding sentence*
9 *shall not be required to be repaid.*

10 *FRAUD AND OVERPAYMENTS*

11 *SEC. 4005. (a) IN GENERAL.—If an individual know-*
12 *ingly has made, or caused to be made by another, a false*
13 *statement or representation of a material fact, or knowingly*
14 *has failed, or caused another to fail, to disclose a material*
15 *fact, and as a result of such false statement or representa-*
16 *tion or of such nondisclosure such individual has received*
17 *an amount of emergency unemployment compensation*
18 *under this title to which such individual was not entitled,*
19 *such individual—*

20 *(1) shall be ineligible for further emergency un-*
21 *employment compensation under this title in accord-*
22 *ance with the provisions of the applicable State un-*
23 *employment compensation law relating to fraud in*
24 *connection with a claim for unemployment compensa-*
25 *tion; and*

1 (2) shall be subject to prosecution under section
2 1001 of title 18, United States Code.

3 (b) *REPAYMENT.*—*In the case of individuals who have*
4 *received amounts of emergency unemployment compensa-*
5 *tion under this title to which they were not entitled, the*
6 *State shall require such individuals to repay the amounts*
7 *of such emergency unemployment compensation to the State*
8 *agency, except that the State agency may waive such repay-*
9 *ment if it determines that—*

10 (1) *the payment of such emergency unemploy-*
11 *ment compensation was without fault on the part of*
12 *any such individual; and*

13 (2) *such repayment would be contrary to equity*
14 *and good conscience.*

15 (c) *RECOVERY BY STATE AGENCY.*—

16 (1) *IN GENERAL.*—*The State agency may recover*
17 *the amount to be repaid, or any part thereof, by de-*
18 *ductions from any emergency unemployment com-*
19 *pen-sation payable to such individual under this title*
20 *or from any unemployment compensation payable to*
21 *such individual under any State or Federal unem-*
22 *ployment compensation law administered by the*
23 *State agency or under any other State or Federal law*
24 *administered by the State agency which provides for*
25 *the payment of any assistance or allowance with re-*

APPLICABILITY

1
2 *SEC. 4007. (a) IN GENERAL.—Except as provided in*
3 *subsection (b), an agreement entered into under this title*
4 *shall apply to weeks of unemployment—*

5 *(1) beginning after the date on which such agree-*
6 *ment is entered into; and*

7 *(2) ending on or before March 31, 2009.*

8 *(b) TRANSITION FOR AMOUNT REMAINING IN AC-*
9 *COUNT.—*

10 *(1) IN GENERAL.—Subject to paragraphs (2) and*
11 *(3), in the case of an individual who has amounts re-*
12 *maining in an account established under section 4002*
13 *as of the last day of the last week (as determined in*
14 *accordance with the applicable State law) ending on*
15 *or before March 31, 2009, emergency unemployment*
16 *compensation shall continue to be payable to such in-*
17 *dividual from such amounts for any week beginning*
18 *after such last day for which the individual meets the*
19 *eligibility requirements of this title.*

20 *(2) LIMIT ON AUGMENTATION.—If the account of*
21 *an individual is exhausted after the last day of such*
22 *last week (as so determined), then section 4002(c)*
23 *shall not apply and such account shall not be aug-*
24 *mented under such section, regardless of whether such*

1 *individual's State is in an extended benefit period (as*
2 *determined under paragraph (2) of such section).*

3 (3) *LIMIT ON COMPENSATION.—No compensation*
4 *shall be payable by reason of paragraph (1) for any*
5 *week beginning after June 30, 2009.*

6 *TITLE V—MEDICAID PROVISIONS*

7 *SEC. 5001. (a) MORATORIA ON CERTAIN MEDICAID*
8 *REGULATIONS.—*

9 (1) *EXTENSION OF CERTAIN MORATORIA IN PUB-*
10 *LIC LAW 110–28.—Section 7002(a)(1) of the U.S.*
11 *Troop Readiness, Veterans' Care, Katrina Recovery,*
12 *and Iraq Accountability Appropriations Act, 2007*
13 *(Public Law 110–28) is amended—*

14 (A) *by striking “prior to the date that is 1*
15 *year after the date of enactment of this Act” and*
16 *inserting “prior to April 1, 2009”;*

17 (B) *in subparagraph (A), by inserting after*
18 *“Federal Regulations)” the following: “or in the*
19 *final regulation, relating to such parts, published*
20 *on May 29, 2007 (72 Federal Register 29748)”;*
21 *and*

22 (C) *in subparagraph (C), by inserting be-*
23 *fore the period at the end the following: “, in-*
24 *cluding the proposed regulation published on*
25 *May 23, 2007 (72 Federal Register 28930)”.*

1 (2) *EXTENSION OF CERTAIN MORATORIA IN PUB-*
2 *LIC LAW 110–173.—Section 206 of the Medicare, Med-*
3 *icaid, and SCHIP Extension Act of 2007 (Public*
4 *Law 110–173) is amended—*

5 (A) *by striking “June 30, 2008” and insert-*
6 *ing “April 1, 2009”;*

7 (B) *by inserting “, including the proposed*
8 *regulation published on August 13, 2007 (72*
9 *Federal Register 45201),” after “rehabilitation*
10 *services”; and*

11 (C) *by inserting “, including the final regu-*
12 *lation published on December 28, 2007 (72 Fed-*
13 *eral Register 73635),” after “school-based trans-*
14 *portation”.*

15 (3) *ADDITIONAL MORATORIA.—*

16 (A) *IN GENERAL.—Notwithstanding any*
17 *other provision of law, the Secretary of Health*
18 *and Human Services shall not, prior to April 1,*
19 *2009, take any action (through promulgation of*
20 *regulation, issuance of regulatory guidance, use*
21 *of Federal payment audit procedures, or other*
22 *administrative action, policy, or practice, in-*
23 *cluding a Medical Assistance Manual trans-*
24 *mittal or letter to State Medicaid directors) to*
25 *impose any restrictions relating to a provision*

1 *described in subparagraph (B), (C), or (D) if*
2 *such restrictions are more restrictive in any as-*
3 *pect than those applied to the respective provi-*
4 *sion as of the date specified in subparagraph (E)*
5 *for such provision.*

6 *(B) PORTION OF INTERIM FINAL REGULA-*
7 *TION RELATING TO MEDICAID TREATMENT OF OP-*
8 *TIONAL CASE MANAGEMENT SERVICES.—*

9 *(i) IN GENERAL.—Subject to clause*
10 *(ii), the provision described in this subpara-*
11 *graph is the interim final regulation relat-*
12 *ing to optional State plan case management*
13 *services under the Medicaid program pub-*
14 *lished on December 4, 2007 (72 Federal*
15 *Register 68077) in its entirety.*

16 *(ii) EXCEPTION.—The provision de-*
17 *scribed in this subparagraph does not in-*
18 *clude the portion of such regulation as re-*
19 *lates directly to implementing section*
20 *1915(g)(2)(A)(ii) of the Social Security Act,*
21 *as amended by section 6052 of the Deficit*
22 *Reduction Act of 2005 (Public Law 109–*
23 *171), through the definition of case manage-*
24 *ment services and targeted case manage-*
25 *ment services contained in proposed section*

1 440.169 of title 42, Code of Federal Regula-
2 tions, but only to the extent that such por-
3 tion is not more restrictive than the policies
4 set forth in the Dear State Medicaid Direc-
5 tor letter on case management issued on
6 January 19, 2001 (SMDL #01–013), and
7 with respect to community transition case
8 management, the Dear State Medicaid Di-
9 rector letter issued on July 25, 2000
10 (Olmstead Update 3).

11 (C) PROPOSED REGULATION RELATING TO
12 REDEFINITION OF MEDICAID OUTPATIENT HOS-
13 PITAL SERVICES.—The provision described in
14 this subparagraph is the proposed regulation re-
15 lating to clarification of outpatient clinic and
16 hospital facility services definition and upper
17 payment limit under the Medicaid program pub-
18 lished on September 28, 2007 (72 Federal Reg-
19 ister 55158) in its entirety.

20 (D) PORTION OF PROPOSED REGULATION
21 RELATING TO MEDICAID ALLOWABLE PROVIDER
22 TAXES.—

23 (i) IN GENERAL.—Subject to clause
24 (ii), the provision described in this subpara-
25 graph is the final regulation relating to

1 *health-care-related taxes under the Medicaid*
2 *program published on February 22, 2008*
3 *(73 Federal Register 9685) in its entirety.*

4 *(ii) EXCEPTION.—The provision de-*
5 *scribed in this subparagraph does not in-*
6 *clude the portions of such regulation as re-*
7 *late to the following:*

8 *(I) REDUCTION IN THRESHOLD.—*

9 *The reduction from 6 percent to 5.5*
10 *percent in the threshold applied under*
11 *section 433.68(f)(3)(i) of title 42, Code*
12 *of Federal Regulations, for determining*
13 *whether or not there is an indirect*
14 *guarantee to hold a taxpayer harmless,*
15 *as required to carry out section*
16 *1903(w)(4)(C)(ii) of the Social Secu-*
17 *rity Act, as added by section 403 of the*
18 *Medicare Improvement and Extension*
19 *Act of 2006 (division B of Public Law*
20 *109–432).*

21 *(II) CHANGE IN DEFINITION OF*

22 *MANAGED CARE.—The change in the*
23 *definition of managed care as proposed*
24 *in the revision of section 433.56(a)(8)*
25 *of title 42, Code of Federal Regula-*

1 *tions, as required to carry out section*
2 *1903(w)(7)(A)(viii) of the Social Secu-*
3 *rity Act, as amended by section 6051*
4 *of the Deficit Reduction Act of 2005*
5 *(Public Law 109–171).*

6 *(E) DATE SPECIFIED.—The date specified*
7 *in this subparagraph for the provision described*
8 *in—*

9 *(i) subparagraph (B) is December 3,*
10 *2007;*

11 *(ii) subparagraph (C) is September 27,*
12 *2007; or*

13 *(iii) subparagraph (D) is February 21,*
14 *2008.*

15 *(b) FUNDS TO REDUCE MEDICAID FRAUD AND*
16 *ABUSE.—*

17 *(1) IN GENERAL.—For purposes of reducing fraud and*
18 *abuse in the Medicaid program under title XIX of the So-*
19 *cial Security Act—*

20 *(A) there is appropriated to the Secretary of*
21 *Health and Human Services, out of any money*
22 *in the Treasury not otherwise appropriated,*
23 *\$25,000,000, for fiscal year 2009; and*

1 (B) there is authorized to be appropriated
2 to the Secretary \$25,000,000 for fiscal year 2010
3 and each subsequent fiscal year.

4 Amounts appropriated under this section shall re-
5 main available for expenditure until expended and
6 shall be in addition to any other amounts appro-
7 priated or made available to the Secretary for such
8 purposes with respect to the Medicaid program.

9 (2) ANNUAL REPORT.—Not later than September 30
10 of 2009 and of each subsequent year, the Secretary of Health
11 and Human Services shall submit to the Committee on En-
12 ergy and Commerce of the House of Representatives and
13 the Committee on Finance of the Senate a report on the
14 activities (and the results of such activities) funded under
15 paragraph (1) to reduce waste, fraud, and abuse in the
16 Medicaid program under title XIX of the Social Security
17 Act during the previous 12 month period, including the
18 amount of funds appropriated under such paragraph for
19 each such activity and an estimate of the savings to the
20 Medicaid program resulting from each such activity.

21 (c) STUDY AND REPORTS TO CONGRESS.—

22 (1) SECRETARIAL REPORT IDENTIFYING PROB-
23 LEMS.—Not later than July 1, 2008, the Secretary of
24 Health and Human Services shall submit to the Com-
25 mittee on Energy and Commerce of the House of Rep-

1 *representatives and the Committee on Finance of the*
2 *Senate a report that—*

3 *(A) outlines the specific problems the Med-*
4 *icaid regulations referred to in the amendments*
5 *made by paragraphs (1) and (2) of subsection*
6 *(a) and in the provisions described in subpara-*
7 *graph (B) through (D) of paragraph (3) of such*
8 *subsection were intended to address;*

9 *(B) detailing how these regulations were de-*
10 *signed to address these specific problems; and*

11 *(C) cites the legal authority for such regula-*
12 *tions.*

13 *(2) INDEPENDENT COMPREHENSIVE STUDY AND*
14 *REPORT.—*

15 *(A) IN GENERAL.—Not later than July 1,*
16 *2008, the Secretary of Health and Human Serv-*
17 *ices shall enter into a contract with an inde-*
18 *pendent organization for the purpose of—*

19 *(i) producing a comprehensive report*
20 *on the prevalence of the problems outlined*
21 *in the report submitted under paragraph*
22 *(1);*

23 *(ii) identifying strategies in existence*
24 *to address these problems; and*

1 (iii) assessing the impact of each regu-
2 lation referred to in such paragraph on
3 each State and the District of Columbia.

4 (B) *ADDITIONAL MATTER.*—The report
5 under subparagraph (A) shall also include—

6 (i) an identification of which claims
7 for items and services (including adminis-
8 trative activities) under title XIX of the So-
9 cial Security Act are not processed through
10 systems described in section 1903(r) of such
11 Act;

12 (ii) an examination of the reasons why
13 these claims for such items and services are
14 not processed through such systems; and

15 (iii) recommendations on actions by
16 the Federal government and the States that
17 can make claims for such items and services
18 more accurate and complete consistent with
19 such title.

20 (C) *DEADLINE.*—The report under subpara-
21 graph (A) shall be submitted to the Committee
22 on Energy and Commerce of the House of Rep-
23 resentatives and the Committee on Finance of the
24 Senate not later than March 1, 2009.

1 (D) *COOPERATION OF STATES.*—If the Sec-
2 retary of Health and Human Services deter-
3 mines that a State or the District of Columbia
4 has not cooperated with the independent organi-
5 zation for purposes of the report under this para-
6 graph, the Secretary shall reduce the amount
7 paid to the State or District under section
8 1903(a) of the Social Security Act (42 U.S.C.
9 1396b(a)) by \$25,000 for each day on which the
10 Secretary determines such State or District has
11 not so cooperated. Such reduction shall be made
12 through a process that permits the State or Dis-
13 trict to challenge the Secretary’s determination.

14 (3) *FUNDING.*—

15 (A) *IN GENERAL.*—Out of any money in the
16 Treasury of the United States not otherwise ap-
17 propriated, there are appropriated to the Sec-
18 retary without further appropriation, \$5,000,000
19 to carry out this subsection.

20 (B) *AVAILABILITY; AMOUNTS IN ADDITION*
21 *TO OTHER AMOUNTS APPROPRIATED FOR SUCH*
22 *ACTIVITIES.*—Amounts appropriated pursuant to
23 subparagraph (A) shall—

24 (i) remain available until expended;

25 and

1 (ii) be in addition to any other
2 amounts appropriated or made available to
3 the Secretary of Health and Human Serv-
4 ices with respect to the Medicaid program.

5 (d) *ASSET VERIFICATION THROUGH ACCESS TO IN-*
6 *FORMATION HELD BY FINANCIAL INSTITUTIONS.—*

7 (1) *ADDITION OF AUTHORITY.—Title XIX of the*
8 *Social Security Act is amended by inserting after sec-*
9 *tion 1939 the following new section:*

10 “*ASSET VERIFICATION THROUGH ACCESS TO INFORMATION*
11 *HELD BY FINANCIAL INSTITUTIONS*

12 “*SEC. 1940. (a) IMPLEMENTATION.—*

13 “*(1) IN GENERAL.—Subject to the provisions of*
14 *this section, each State shall implement an asset*
15 *verification program described in subsection (b), for*
16 *purposes of determining or redetermining the eligi-*
17 *bility of an individual for medical assistance under*
18 *the State plan under this title.*

19 “*(2) PLAN SUBMITTAL.—In order to meet the re-*
20 *quirement of paragraph (1), each State shall—*

21 “*(A) submit not later than a deadline speci-*
22 *fied by the Secretary consistent with paragraph*
23 *(3), a State plan amendment under this title*
24 *that describes how the State intends to imple-*
25 *ment the asset verification program; and*

1 “(B) provide for implementation of such
2 program for eligibility determinations and rede-
3 terminations made on or after 6 months after the
4 deadline established for submittal of such plan
5 amendment.

6 “(3) PHASE-IN.—

7 “(A) IN GENERAL.—

8 “(i) IMPLEMENTATION IN CURRENT
9 ASSET VERIFICATION DEMO STATES.—The
10 Secretary shall require those States specified
11 in subparagraph (C) (to which an asset
12 verification program has been applied be-
13 fore the date of the enactment of this sec-
14 tion) to implement an asset verification
15 program under this subsection by the end of
16 fiscal year 2009.

17 “(ii) IMPLEMENTATION IN OTHER
18 STATES.—The Secretary shall require other
19 States to submit and implement an asset
20 verification program under this subsection
21 in such manner as is designed to result in
22 the application of such programs, in the ag-
23 gregate for all such other States, to enroll-
24 ment of approximately, but not less than,
25 the following percentage of enrollees, in the

1 *aggregate for all such other States, by the*
2 *end of the fiscal year involved:*

3 “(I) 12.5 percent by the end of fis-
4 cal year 2009.

5 “(II) 25 percent by the end of fis-
6 cal year 2010.

7 “(III) 50 percent by the end of fis-
8 cal year 2011.

9 “(IV) 75 percent by the end of fis-
10 cal year 2012.

11 “(V) 100 percent by the end of fis-
12 cal year 2013.

13 “(B) *CONSIDERATION.*—*In selecting States*
14 *under subparagraph (A)(ii), the Secretary shall*
15 *consult with the States involved and take into*
16 *account the feasibility of implementing asset*
17 *verification programs in each such State.*

18 “(C) *STATES SPECIFIED.*—*The States speci-*
19 *fied in this subparagraph are California, New*
20 *York, and New Jersey.*

21 “(D) *CONSTRUCTION.*—*Nothing in subpara-*
22 *graph (A)(ii) shall be construed as preventing a*
23 *State from requesting, and the Secretary approv-*
24 *ing, the implementation of an asset verification*

1 *program in advance of the deadline otherwise es-*
2 *tablished under such subparagraph.*

3 “(4) *EXEMPTION OF TERRITORIES.*—*This section*
4 *shall only apply to the 50 States and the District of*
5 *Columbia.*

6 “(b) *ASSET VERIFICATION PROGRAM.*—

7 “(1) *IN GENERAL.*—*For purposes of this section,*
8 *an asset verification program means a program de-*
9 *scribed in paragraph (2) under which a State—*

10 “(A) *requires each applicant for, or recipi-*
11 *ent of, medical assistance under the State plan*
12 *under this title on the basis of being aged, blind,*
13 *or disabled to provide authorization by such ap-*
14 *plicant or recipient (and any other person whose*
15 *resources are material to the determination of*
16 *the eligibility of the applicant or recipient for*
17 *such assistance) for the State to obtain (subject*
18 *to the cost reimbursement requirements of section*
19 *1115(a) of the Right to Financial Privacy Act*
20 *but at no cost to the applicant or recipient) from*
21 *any financial institution (within the meaning of*
22 *section 1101(1) of such Act) any financial record*
23 *(within the meaning of section 1101(2) of such*
24 *Act) held by the institution with respect to the*
25 *applicant or recipient (and such other person, as*

1 applicable), whenever the State determines the
2 record is needed in connection with a determina-
3 tion with respect to such eligibility for (or the
4 amount or extent of) such medical assistance;
5 and

6 “(B) uses the authorization provided under
7 subparagraph (A) to verify the financial re-
8 sources of such applicant or recipient (and such
9 other person, as applicable), in order to deter-
10 mine or redetermine the eligibility of such appli-
11 cant or recipient for medical assistance under
12 the State plan.

13 “(2) PROGRAM DESCRIBED.—A program de-
14 scribed in this paragraph is a program for verifying
15 individual assets in a manner consistent with the ap-
16 proach used by the Commissioner of Social Security
17 under section 1631(e)(1)(B)(ii).

18 “(c) DURATION OF AUTHORIZATION.—Notwith-
19 standing section 1104(a)(1) of the Right to Financial Pri-
20 vacy Act, an authorization provided to a State under sub-
21 section (b)(1) shall remain effective until the earliest of—

22 “(1) the rendering of a final adverse decision on
23 the applicant’s application for medical assistance
24 under the State’s plan under this title;

1 “(2) the cessation of the recipient’s eligibility for
2 such medical assistance; or

3 “(3) the express revocation by the applicant or
4 recipient (or such other person described in subsection
5 (b)(1), as applicable) of the authorization, in a writ-
6 ten notification to the State.

7 “(d) *TREATMENT OF RIGHT TO FINANCIAL PRIVACY*
8 *ACT REQUIREMENTS.*—

9 “(1) An authorization obtained by the State
10 under subsection (b)(1) shall be considered to meet the
11 requirements of the *Right to Financial Privacy Act*
12 for purposes of section 1103(a) of such Act, and need
13 not be furnished to the financial institution, notwith-
14 standing section 1104(a) of such Act.

15 “(2) The certification requirements of section
16 1103(b) of the *Right to Financial Privacy Act* shall
17 not apply to requests by the State pursuant to an au-
18 thorization provided under subsection (b)(1).

19 “(3) A request by the State pursuant to an au-
20 thorization provided under subsection (b)(1) is
21 deemed to meet the requirements of section 1104(a)(3)
22 of the *Right to Financial Privacy Act* and of section
23 1102 of such Act, relating to a reasonable description
24 of financial records.

1 “(e) *REQUIRED DISCLOSURE.*—*The State shall inform*
2 *any person who provides authorization pursuant to sub-*
3 *section (b)(1)(A) of the duration and scope of the authoriza-*
4 *tion.*

5 “(f) *REFUSAL OR REVOCATION OF AUTHORIZATION.*—
6 *If an applicant for, or recipient of, medical assistance*
7 *under the State plan under this title (or such other person*
8 *described in subsection (b)(1), as applicable) refuses to pro-*
9 *vide, or revokes, any authorization made by the applicant*
10 *or recipient (or such other person, as applicable) under sub-*
11 *section (b)(1)(A) for the State to obtain from any financial*
12 *institution any financial record, the State may, on that*
13 *basis, determine that the applicant or recipient is ineligible*
14 *for medical assistance.*

15 “(g) *USE OF CONTRACTOR.*—*For purposes of imple-*
16 *menting an asset verification program under this section,*
17 *a State may select and enter into a contract with a public*
18 *or private entity meeting such criteria and qualifications*
19 *as the State determines appropriate, consistent with re-*
20 *quirements in regulations relating to general contracting*
21 *provisions and with section 1903(i)(2). In carrying out ac-*
22 *tivities under such contract, such an entity shall be subject*
23 *to the same requirements and limitations on use and disclo-*
24 *sure of information as would apply if the State were to*
25 *carry out such activities directly.*

1 “(h) *TECHNICAL ASSISTANCE.*—*The Secretary shall*
2 *provide States with technical assistance to aid in imple-*
3 *mentation of an asset verification program under this sec-*
4 *tion.*”

5 “(i) *REPORTS.*—*A State implementing an asset*
6 *verification program under this section shall furnish to the*
7 *Secretary such reports concerning the program, at such*
8 *times, in such format, and containing such information as*
9 *the Secretary determines appropriate.*”

10 “(j) *TREATMENT OF PROGRAM EXPENSES.*—*Notwith-*
11 *standing any other provision of law, reasonable expenses*
12 *of States in carrying out the program under this section*
13 *shall be treated, for purposes of section 1903(a), in the same*
14 *manner as State expenditures specified in paragraph (7)*
15 *of such section.*”

16 (2) *STATE PLAN REQUIREMENTS.*—*Section*
17 *1902(a) of such Act (42 U.S.C. 1396a(a)) is amend-*
18 *ed—*

19 (A) *in paragraph (69) by striking “and” at*
20 *the end;*

21 (B) *in paragraph (70) by striking the pe-*
22 *riod at the end and inserting “; and”; and*

23 (C) *by inserting after paragraph (70), as so*
24 *amended, the following new paragraph:*

1 “(71) provide that the State will implement an
2 asset verification program as required under section
3 1940.”.

4 (3) *WITHHOLDING OF FEDERAL MATCHING PAY-*
5 *MENTS FOR NONCOMPLIANT STATES.*—Section 1903(i)
6 of such Act (42 U.S.C. 1396b(i)) is amended—

7 (A) in paragraph (22) by striking “or” at
8 the end;

9 (B) in paragraph (23) by striking the pe-
10 riod at the end and inserting “; or”; and

11 (C) by adding after paragraph (23) the fol-
12 lowing new paragraph:

13 “(24) if a State is required to implement an
14 asset verification program under section 1940 and
15 fails to implement such program in accordance with
16 such section, with respect to amounts expended by
17 such State for medical assistance for individuals sub-
18 ject to asset verification under such section, unless—

19 “(A) the State demonstrates to the Sec-
20 retary’s satisfaction that the State made a good
21 faith effort to comply;

22 “(B) not later than 60 days after the date
23 of a finding that the State is in noncompliance,
24 the State submits to the Secretary (and the Sec-

1 retary approves) a corrective action plan to rem-
2 edy such noncompliance; and

3 “(C) not later than 12 months after the date
4 of such submission (and approval), the State ful-
5 fills the terms of such corrective action plan.”.

6 (4) *REPEAL*.—Section 4 of Public Law 110–90
7 is repealed.

8 (e) *ADJUSTMENT TO PAQI FUND*.—Section 1848(l)(2)
9 of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as
10 amended by section 101(a)(2) of the Medicare, Medicaid,
11 and SCHIP Extension Act of 2007 (Public Law 110–173),
12 is amended—

13 (1) in subparagraph (A)(i)—

14 (A) in subclause (III), by striking
15 “\$4,960,000,000” and inserting
16 “\$3,940,000,000”; and

17 (B) by adding at the end the following new
18 subclause:

19 “(IV) For expenditures during
20 2014, an amount equal to
21 \$3,750,000,000.”;

22 (2) in subparagraph (A)(ii), by adding at the
23 end the following new subclause:

24 “(IV) 2014.—The amount avail-
25 able for expenditures during 2014 shall

1 *only be available for an adjustment to*
2 *the update of the conversion factor*
3 *under subsection (d) for that year.”;*
4 *and*

5 *(3) in subparagraph (B)—*

6 *(A) in clause (ii), by striking “and” at the*
7 *end;*

8 *(B) in clause (iii), by striking the period at*
9 *the end and inserting “; and”; and*

10 *(C) by adding at the end the following new*
11 *clause:*

12 *“(iv) 2014 for payment with respect to*
13 *physicians’ services furnished during*
14 *2014.”.*

15 *TITLE VI—ACCOUNTABILITY AND*
16 *TRANSPARENCY IN GOVERNMENT CONTRACTING*
17 *CHAPTER 1—CLOSE THE CONTRACTOR FRAUD*
18 *LOOPHOLE*

19 *SHORT TITLE*

20 *SEC. 6101. This chapter may be cited as the “Close*
21 *the Contractor Fraud Loophole Act”.*

22 *REVISION OF THE FEDERAL ACQUISITION REGULATION*

23 *SEC. 6102. The Federal Acquisition Regulation shall*
24 *be amended within 180 days after the date of the enactment*
25 *of this Act pursuant to FAR Case 2007–006 (as published*
26 *at 72 Fed Reg. 64019, November 14, 2007) or any follow-*

1 *on FAR case to include provisions that require timely noti-*
 2 *fication by Federal contractors of violations of Federal*
 3 *criminal law or overpayments in connection with the*
 4 *award or performance of covered contracts or subcontracts,*
 5 *including those performed outside the United States and*
 6 *those for commercial items.*

7 *DEFINITION*

8 *SEC. 6103. In this chapter, the term “covered contract”*
 9 *means any contract in an amount greater than \$5,000,000*
 10 *and more than 120 days in duration.*

11 *CHAPTER 2—GOVERNMENT FUNDING*

12 *TRANSPARENCY*

13 *SHORT TITLE*

14 *SEC. 6201. This chapter may be cited as the “Govern-*
 15 *ment Funding Transparency Act of 2008”.*

16 *FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN*

17 *RECIPIENTS OF FEDERAL AWARDS*

18 *SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Sec-*
 19 *tion 2(b)(1) of the Federal Funding Accountability and*
 20 *Transparency Act (Public Law 109–282; 31 U.S.C. 6101*
 21 *note) is amended—*

22 *(1) by striking “and” at the end of subpara-*
 23 *graph (E);*

24 *(2) by redesignating subparagraph (F) as sub-*
 25 *paragraph (G); and*

1 (3) *by inserting after subparagraph (E) the fol-*
2 *lowing new subparagraph:*

3 “(F) *the names and total compensation of*
4 *the five most highly compensated officers of the*
5 *entity if—*

6 “(i) *the entity in the preceding fiscal*
7 *year received—*

8 “(I) *80 percent or more of its an-*
9 *nuual gross revenues in Federal awards;*
10 *and*

11 “(II) *\$25,000,000 or more in an-*
12 *nuual gross revenues from Federal*
13 *awards; and*

14 “(ii) *the public does not have access to*
15 *information about the compensation of the*
16 *senior executives of the entity through peri-*
17 *odic reports filed under section 13(a) or*
18 *15(d) of the Securities Exchange Act of*
19 *1934 (15 U.S.C. 78m(a), 78o(d)) or section*
20 *6104 of the Internal Revenue Code of*
21 *1986.”.*

22 (b) *REGULATIONS REQUIRED.—The Director of the Of-*
23 *fice of Management and Budget shall promulgate regula-*
24 *tions to implement the amendment made by this chapter.*
25 *Such regulations shall include a definition of “total com-*

1 *“pensation” that is consistent with regulations of the Securi-*
 2 *ties and Exchange Commission at section 402 of part 229*
 3 *of title 17 of the Code of Federal Regulations (or any subse-*
 4 *quent regulation).*

5 **TITLE VII—GI BILL FINANCING PROVISION**

6 **GI BILL FINANCING PROVISION**

7 **SEC. 7001. (a) IN GENERAL.**—*Part I of subchapter A*
 8 *of chapter 1 of the Internal Revenue Code of 1986 is amend-*
 9 *ed by inserting after section 1 the following new section:*

10 **“SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS**
 11 **TO FINANCE THE GI BILL.**

12 **“(a) GENERAL RULE.**—*In the case of a taxpayer other*
 13 *than a corporation, there is hereby imposed (in addition*
 14 *to any other tax imposed by this subtitle) a tax equal to*
 15 *0.47 percent of so much of modified adjusted gross income*
 16 *as exceeds \$500,000 (\$1,000,000 in the case of a joint return*
 17 *or a surviving spouse (as defined in section 2(a)).*

18 **“(b) MODIFIED ADJUSTED GROSS INCOME.**—*For pur-*
 19 *poses of this section, the term ‘modified adjusted gross in-*
 20 *come’ means adjusted gross income reduced by any deduc-*
 21 *tion allowed for investment interest (as defined in section*
 22 *163(d)). In the case of an estate or trust, a rule similar*
 23 *to the rule of section 67(e) shall apply for purposes of deter-*
 24 *mining adjusted gross income for purposes of this section.*

1 “(c) *NONRESIDENT ALIEN.*—*In the case of a non-*
2 *resident alien individual, only amounts taken into account*
3 *in connection with the tax imposed by section 871(b) shall*
4 *be taken into account under this section.*

5 “(d) *MARITAL STATUS.*—*For purposes of this section,*
6 *marital status shall be determined under section 7703.*

7 “(e) *NOT TREATED AS TAX IMPOSED BY THIS CHAP-*
8 *TER FOR CERTAIN PURPOSES.*—*The tax imposed under this*
9 *section shall not be treated as tax imposed by this chapter*
10 *for purposes of determining the amount of any credit under*
11 *this chapter or for purposes of section 55.”.*

12 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
13 *part I of subchapter A of chapter 1 of such Code is amended*
14 *by inserting after the item relating to section 1 the following*
15 *new item:*

 “*Sec. 1A. Increase in tax on high income individuals to finance the GI bill.*”.

16 (c) *EFFECTIVE DATE.*—*The amendments made by this*
17 *section shall apply to taxable years beginning after Decem-*
18 *ber 31, 2008.*

19 (d) *SECTION 15 NOT TO APPLY.*—*The amendment*
20 *made by subsection (a) shall not be treated as a change in*
21 *a rate of tax for purposes of section 15 of the Internal Rev-*
22 *enue Code of 1986.*

1 *TITLE VIII—GENERAL PROVISIONS*2 *AVAILABILITY OF FUNDS*

3 *SEC. 8001. No part of any appropriation contained*
4 *in this Act shall remain available for obligation beyond the*
5 *current fiscal year unless expressly so provided herein.*

6 *EMERGENCY DESIGNATION*

7 *SEC. 8002. Each amount in each title of this Act is*
8 *designated as an emergency requirement and necessary to*
9 *meet emergency needs pursuant to subsections (a) and (b)*
10 *of section 204 of S. Con. Res. 21 (110th Congress), the con-*
11 *current resolution on the budget for fiscal year 2008.*

12 *SHORT TITLE*

13 *SEC. 8003. This Act may be cited as the “Supple-*
14 *mental Appropriations Act, 2008”.*

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

H.R. 2642

**HOUSE AMENDMENTS
TO SENATE
AMENDMENT**