

## AMENDMENT #2

### TITLE X – POLICY RELATING TO OPERATIONS IN IRAQ

#### SENSE OF CONGRESS REGARDING UNITED STATES MILITARY PERSONNEL

Section 10001 includes a sense of the Congress commending the performance, courage, and sacrifice of the United States military personnel.

#### UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CABABLE

Section 10002 prohibits the use of funds to deploy to Iraq any combat unit of the Armed Forces that is not assessed “fully mission capable” of performing their assigned mission to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the Department of Defense’s written policies. These readiness standards may be waived on a unit-by-unit basis if the President certifies, in writing, that the deployment of a unit that is not assessed mission capable is required for reasons of national security, and submits along with the certification a report detailing the particular reasons why the unit’s deployment is necessary.

#### TIME LIMIT ON COMBAT DEPLOYMENTS

Section 10003 prohibits the use of funds to initiate or execute any order extending the deployment for Operation Iraqi Freedom of any unit of the Army, Army Reserve or Army National Guard beyond 365 days, and any unit of the Marine Corps or Marine Corps Reserve beyond 210 days. This limitation may be waived on a unit-by-unit basis if the President certifies, in writing, that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit is required for reasons of national security, and includes in the certification a report detailing the particular reasons why the unit’s extended deployment is necessary.

#### DWELL TIME BETWEEN COMBAT DEPLOYMENTS

Section 10004 prohibits the use of funds to initiate, continue, or execute any order that has the effect of redeploying for Operation Iraqi Freedom any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous consecutive 365 days, and any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days. This limitation may be waived on a unit-by-unit basis if the President certifies, in writing, that the redeployment of a unit in advance of the expiration of the period applicable to the unit is required for reasons of national security, and includes in the certification a report detailing the particular reasons why the unit’s early redeployment is necessary.

#### LIMITATION ON INTERROGATION TECHNIQUES

Section 10005 provides that no person in the custody or under the effective control of an element of the intelligence community, including contractors and subcontractors at any tier of the element of the intelligence community, shall be subject to any treatment or technique of interrogation not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations.

#### REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS

Section 10006 prohibits the use of funds to detain any individual in the custody or under the effective control of an element of the intelligence community, including contractors and subcontractors at any tier of the element of the intelligence community, unless the International Committee of the Red Cross is provided notification of the detention of and access to such person in a timely manner and consistent with the practices of the Armed Forces of the United States.

#### PROHIBITION OF PERMANENT BASES IN IRAQ

Section 10007 prohibits the use of funds to establish a permanent base in Iraq or to exercise United States control over any oil resource of Iraq.

#### LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

Section 10008 prohibits the use of funds to negotiate, enter into, or implement any agreement with the Government of Iraq that includes security assurances for mutual defense, unless the agreement is in the form of a treaty requiring the advice and consent of the Senate, or is specifically authorized by a law enacted after the date of enactment of this Act.

#### PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

Section 10009 prohibits the use of funds to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the United States Armed Forces to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

#### REQUIREMENT FOR MATCHING FUNDS FROM GOVERNMENT OF IRAQ

Section 10010 prohibits the use of funds for assistance for Iraq, including training, capacity building, and construction and repair of infrastructure, unless the funds are matched by the Government of Iraq on a dollar-for-dollar basis. The provision also requires a new report by the Secretary of Defense on the Budget of the Government of Iraq, to be included in the Secretary's quarterly report on Progress Toward Stability in Iraq.

#### PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

Section 10011 requires that, within 90 days of enactment of this Act, the President shall complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq, so that the price of fuel for those forces is equal to the discounted price that is provided for domestic Iraqi consumption. Funds provided under the heading “Operation and Maintenance, Defense-Wide” for the Secretary of Defense or Washington Headquarters Services may not be obligated or expended until such agreement is complete and the President transmits a report on that agreement to the House and Senate Committees on Appropriations. This limitation on funding may be waived by the President upon certification that it is in the national security interests of the United States.

#### TIMETABLE FOR REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ

Section 10012 provides for the withdrawal of United States Armed Forces from Iraq, beginning within 30 days of enactment of this Act, with a goal of completing such redeployment within 18 months. After completion of the redeployment, U.S. Armed Forces may be deployed to, or maintained in, Iraq only to the extent necessary to carry out the following missions: protecting diplomatic facilities, Armed Forces, and U.S. citizens in Iraq; conducting limited training of, equipping, and providing logistical and intelligence support to Iraqi security forces; and engaging in targeted counterterrorism operations against al-Qaeda, groups affiliated with al-Qaeda, and other terrorist organizations in Iraq.

This section requires the Secretary of Defense to submit to Congress no later than July 1, 2008, and every 90 days thereafter, a report providing a description of current efforts for and future plans to reduce and transition U.S. Armed Forces to a limited presence in Iraq. The section also includes a requirement that, within 45 days of enactment of this Act, the Secretary of State shall provide to the House and Senate Committees on Appropriations a strategy for civilian-led post-conflict stabilization and reconstruction assistance for Iraq.

### TITLE XI—REFORMS RELATED TO WAR PROFITEERING AND CONTRACTORS

#### CHAPTER 1—ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

This chapter extends current law on the wartime suspension of statutory limitations for military contract fraud prosecutions to the wars in Iraq and Afghanistan. It also extends the statute of limitations to five years after the termination of hostilities, instead of three years as provided in current law.

#### CHAPTER 2—WAR PROFITEERING AND FRAUD

This chapter establishes a new criminal offense to prohibit profiteering and fraud in Federal contracts associated with military actions, relief, and reconstruction efforts overseas. The penalty is a fine of up to \$1,000,000 and/or a prison term not to exceed 20 years.

## CHAPTER 3—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

This chapter expands the Military Extraterritorial Jurisdiction Act of 2000 to cover all persons employed under Federal contracts and subcontracts where U.S. Armed Forces are conducting overseas military operations. MEJA provides for the prosecution of an offense that would be punishable by imprisonment for more than one year if committed in the U.S. This chapter also designates the Attorney General as the principal authority for investigation and enforcement of the Act.