

Calendar No. 62111TH CONGRESS
1ST SESSION**S. 1054****[Report No. 111-20]**

Making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2009

Mr. INOUE, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2009, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF AGRICULTURE
3 FOREIGN AGRICULTURAL SERVICE
4 PUBLIC LAW 480 TITLE II GRANTS

5 For an additional amount for “Public Law 480 Title
6 II Grants”, \$700,000,000, to remain available until ex-
7 pended: *Provided*, That the amount under this heading is
8 designated as being for overseas deployments and other
9 activities pursuant to sections 401(c)(4) and 423(a) of S.
10 Con. Res. 13 (111th Congress), the concurrent resolution
11 on the budget for fiscal year 2010.

12 GENERAL PROVISION—THIS TITLE

13 SEC. 101. Notwithstanding any other provision of
14 law, any amounts made available prior to the date of en-
15 actment of this Act to provide assistance under the emer-
16 gency conservation program established under title IV of
17 the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and
18 2202) that are unobligated as of the date of enactment
19 of this Act shall be available to carry out any purpose
20 under that program without fiscal year limitation: *Pro-*
21 *vided*, That the amount under this heading is designated
22 as an emergency requirement and necessary to meet emer-
23 gency needs pursuant to sections 403(a) and 423(b) of
24 S. Con. Res. 13 (111th Congress), the concurrent resolu-
25 tion on the budget for fiscal year 2010.

1 (INCLUDING RESCISSION OF FUNDS)

2 SEC. 102. (a)(1) For an additional amount for gross
3 obligations for the principal amount of direct farm owner-
4 ship (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941
5 et seq.) loans, to be available from funds in the Agricul-
6 tural Credit Insurance Fund, as follows: direct farm own-
7 ership loans, \$360,000,000; and direct operating loans,
8 \$225,000,000.

9 (2) For an additional amount for the cost of direct
10 loans, including the cost of modifying loans as defined in
11 section 502 of the Congressional Budget Act of 1974, as
12 follows: direct farm ownership loans, \$22,860,000; and di-
13 rect operating loans, \$26,530,000.

14 (b) Of available unobligated discretionary balances
15 from the Rural Development mission area carried forward
16 from fiscal year 2008, \$49,390,000 are hereby rescinded:
17 *Provided*, That none of the amounts may be rescinded
18 other than those from amounts that were designated by
19 the Congress as an emergency requirement pursuant to
20 a Concurrent Resolution on the Budget or the Balanced
21 Budget and Emergency Deficit Control Act of 1985, as
22 amended.

23 (c) That the amount under this section is designated
24 as an emergency requirement and necessary to meet emer-
25 gency needs pursuant to sections 403(a) and 423(b) of

1 S. Con. Res. 13 (111th Congress), the concurrent resolu-
2 tion on the budget for fiscal year 2010.

3 TITLE II

4 DEPARTMENT OF COMMERCE

5 ECONOMIC DEVELOPMENT ADMINISTRATION

6 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

7 For an additional amount for “Economic Develop-
8 ment Assistance Programs”, \$40,000,000, to remain
9 available until September 30, 2010: *Provided*, That the
10 amount provided under this heading shall be for the Trade
11 Adjustment Assistance for Communities program as au-
12 thorized by section 1872 of Public Law 111–5: *Provided*
13 *further*, That the amount provided under this heading is
14 designated as an emergency requirement and necessary to
15 meet emergency needs pursuant to sections 403(a) and
16 423(b) of S. Con. Res. 13 (111th Congress), the concur-
17 rent resolution on the budget for fiscal year 2010.

18 DEPARTMENT OF JUSTICE

19 GENERAL ADMINISTRATION

20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and ex-
22 penses”, \$30,000,000, to remain available until September
23 30, 2010: *Provided*, That funds provided in the previous
24 proviso shall only be for carrying out Department of Jus-
25 tice responsibilities required by Executive Orders 13491,

1 (111th Congress), the concurrent resolution on the budget
2 for fiscal year 2010.

3 UNITED STATES MARSHALS SERVICES

4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and ex-
6 penses”, \$10,000,000, to remain available until September
7 30, 2010.

8 NATIONAL SECURITY DIVISION

9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and ex-
11 penses,” \$1,389,000, to remain available until September
12 30, 2010.

13 FEDERAL BUREAU OF INVESTIGATIONS

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and ex-
16 penses”, \$35,000,000, to remain available until September
17 30, 2010: *Provided*, That the amount provided under this
18 heading is designated as an emergency requirement and
19 necessary to meet emergency needs pursuant to sections
20 403(a) and 423(b) of S. Con. Res. 13 (111th Congress),
21 the concurrent resolution on the budget for fiscal year
22 2010.

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and ex-
4 penses”, \$20,000,000, to remain available until September
5 30, 2010.

6 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

7 EXPLOSIVES

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and ex-
10 penses”, \$14,000,000, to remain available until September
11 30, 2010.

12 FEDERAL PRISON SYSTEM

13 SALARIES AND EXPENSES

14 For an additional amount for “Salaries and ex-
15 penses”, \$5,038,000, to remain available until September
16 30, 2010.

17 GENERAL PROVISIONS—THIS TITLE

18 SEC. 201. Unless otherwise specified, each amount in
19 this title is designated as being for overseas deployment
20 and other activities pursuant to sections 401(c)(4) and
21 423(a) of S. Con. Res. 13 (111th Congress), the concur-
22 rent resolution on the budget for fiscal year 2010.

23 SEC. 202. None of the funds provided in this title
24 shall be used to transfer, relocate, or incarcerate Guanta-
25 namo Bay detainees to or within the United States.

1 TITLE III
2 DEPARTMENT OF DEFENSE
3 MILITARY PERSONNEL
4 MILITARY PERSONNEL, ARMY
5 For an additional amount for “Military Personnel,
6 Army”, \$11,455,777,000.
7 MILITARY PERSONNEL, NAVY
8 For an additional amount for “Military Personnel,
9 Navy”, \$1,565,227,000.
10 MILITARY PERSONNEL, MARINE CORPS
11 For an additional amount for “Military Personnel,
12 Marine Corps”, \$1,464,353,000.
13 MILITARY PERSONNEL, AIR FORCE
14 For an additional amount for “Military Personnel,
15 Air Force”, \$1,469,173,000.
16 RESERVE PERSONNEL, ARMY
17 For an additional amount for “Reserve Personnel,
18 Army”, \$387,155,000.
19 RESERVE PERSONNEL, NAVY
20 For an additional amount for “Reserve Personnel,
21 Navy”, \$39,478,000.
22 RESERVE PERSONNEL, MARINE CORPS
23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$29,179,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For an additional amount for “Reserve Personnel,
3 Air Force”, \$14,943,000.

4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for “National Guard Per-
6 sonnel, Army”, \$1,542,333,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For an additional amount for “National Guard Per-
9 sonnel, Air Force”, \$46,860,000.

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for “Operation and Main-
13 tenance, Army”, \$13,933,801,000.

14 OPERATION AND MAINTENANCE, NAVY

15 For an additional amount for “Operation and Main-
16 tenance, Navy”, \$2,337,360,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For an additional amount for “Operation and Main-
19 tenance, Marine Corps”, \$1,037,842,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for “Operation and Main-
22 tenance, Air Force”, \$5,992,125,000.

23 OPERATION AND MAINTENANCE, DEFENSE-WIDE

24 For an additional amount for “Operation and Main-
25 tenance, Defense-Wide”, \$5,065,783,000, of which:

1 (1) not to exceed \$12,500,000 for the Combat-
2 ant Commander Initiative Fund, to be used in sup-
3 port of Operation Iraqi Freedom and Operation En-
4 during Freedom;

5 (2) not to exceed \$1,050,000,000, to remain
6 available until expended, for payments to reimburse
7 key cooperating nations, for logistical, military, and
8 other support including access provided to United
9 States military operations in support of Operation
10 Iraqi Freedom and Operation Enduring Freedom,
11 notwithstanding any other provision of law: *Pro-*
12 *vided*, That such reimbursement payments may be
13 made in such amounts as the Secretary of Defense,
14 with the concurrence of the Secretary of State, and
15 in consultation with the Director of the Office of
16 Management and Budget, may determine, in his dis-
17 cretion, based on documentation determined by the
18 Secretary of Defense to adequately account for the
19 support provided and such determination is final and
20 conclusive upon the accounting officers of the United
21 States, and 15 days following notification to the ap-
22 propriate congressional committees: *Provided further*,
23 That these funds may be used for the purpose of
24 providing specialized training and procuring supplies
25 and specialized equipment and providing such sup-

1 plies and loaning such equipment on a non-reimburs-
2 able basis to coalition forces supporting United
3 States military operations in Iraq and Afghanistan:
4 *Provided further*, That the Secretary of Defense
5 shall provide quarterly reports to the congressional
6 defense committees on the use of funds provided in
7 this paragraph; and

8 (3) up to \$50,000,000 shall be available, 30
9 days after the Secretary of Defense submits an ex-
10 penditure plan to the congressional defense commit-
11 tees detailing the specific planned use of these
12 funds, only to support the relocation and disposition
13 of individuals detained at the Guantanamo Bay
14 Naval Base to locations outside of the United
15 States, relocate military and support forces associ-
16 ated with detainee operations, and facilitate the clo-
17 sure of detainee facilities: *Provided*, That the Sec-
18 retary of Defense shall certify in writing to the con-
19 gressional defense committees, prior to transferring
20 prisoners to foreign nations, that he has been as-
21 sured by the receiving nation that the individual or
22 individuals to be transferred will be retained in that
23 nation's custody as long as they remain a threat to
24 the national security interest of the United States:
25 *Provided further*, That the funds in this paragraph

1 available to provide assistance to foreign nations to
2 facilitate the relocation and disposition of individuals
3 detained at the Guantanamo Bay Naval Base are in
4 addition to any other authority to provide assistance
5 to foreign nations: *Provided further*, That these
6 funds are available for transfer to any other appro-
7 priations accounts of the Department of Defense or,
8 with the concurrence of the head of the relevant
9 Federal department or agency, to any other Federal
10 appropriations accounts to accomplish the purposes
11 provided herein: *Provided further*, That this transfer
12 authority is in addition to any other transfer author-
13 ity available to the Department of Defense.

14 OPERATION AND MAINTENANCE, ARMY RESERVE

15 For an additional amount for “Operation and Main-
16 tenance, Army Reserve”, \$110,017,000.

17 OPERATION AND MAINTENANCE, NAVY RESERVE

18 For an additional amount for “Operation and Main-
19 tenance, Navy Reserve”, \$25,569,000.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 RESERVE

22 For an additional amount for “Operation and Main-
23 tenance, Marine Corps Reserve”, \$30,775,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force Reserve”, \$34,599,000.

4 OPERATION AND MAINTENANCE, ARMY NATIONAL
5 GUARD

6 For an additional amount for “Operation and Main-
7 tenance, Army National Guard”, \$203,399,000.

8 AFGHANISTAN SECURITY FORCES FUND

9 For the “Afghanistan Security Forces Fund”,
10 \$3,606,939,000, to remain available until September 30,
11 2010: *Provided*, That such funds shall be available to the
12 Secretary of Defense, notwithstanding any other provision
13 of law, for the purpose of allowing the Commander, Com-
14 bined Security Transition Command—Afghanistan, or the
15 Secretary’s designee, to provide assistance, with the con-
16 currence of the Secretary of State, to the security forces
17 of Afghanistan, including the provision of equipment, sup-
18 plies, services, training, facility and infrastructure repair,
19 renovation, and construction, and funding: *Provided fur-*
20 *ther*, That the authority to provide assistance under this
21 heading is in addition to any other authority to provide
22 assistance to foreign nations: *Provided further*, That con-
23 tributions of funds for the purposes provided herein from
24 any person, foreign government, or international organiza-
25 tion may be credited to this Fund and used for such pur-

1 poses: *Provided further*, That the Secretary shall notify the
2 congressional defense committees in writing upon the re-
3 ceipt and upon the transfer of any contribution, delin-
4 eating the sources and amounts of the funds received and
5 the specific use of such contributions: *Provided further*,
6 That the Secretary of Defense shall, not fewer than 15
7 days prior to making transfers from this appropriation ac-
8 count, notify the congressional defense committees in writ-
9 ing of the details of any such transfer.

10 IRAQ SECURITY FORCES FUND

11 For an additional amount for the “Iraq Security
12 Forces Fund”, \$1,000,000,000, to remain available until
13 September 30, 2011: *Provided*, That, not later than July
14 31, 2010, any remaining unobligated funds in this account
15 shall be transferred to the Department of State to be
16 available for the same purposes as provided herein.

17 PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 There is hereby established in the Treasury of the
20 United States the “Pakistan Counterinsurgency Capa-
21 bility Fund”. For the “Pakistan Counterinsurgency Capa-
22 bility Fund”, \$400,000,000, to remain available until Sep-
23 tember 30, 2010: *Provided*, That such funds shall be avail-
24 able to the Secretary of Defense, with the concurrence of
25 the Secretary of State, notwithstanding any other provi-

1 sion of law, for the purpose of allowing the Commander,
2 United States Central Command, or the Secretary's des-
3 ignee, to provide assistance to Pakistan's security forces;
4 including program management and the provision of
5 equipment, supplies, services, training, and funds; and fa-
6 cility and infrastructure repair, renovation, and construc-
7 tion to build the counterinsurgency capability of Paki-
8 stan's military and Frontier Corps, and of which up to
9 \$2,000,000 shall be available to assist the Government of
10 Pakistan in creating a program to respond to urgent hu-
11 manitarian relief and reconstruction requirements that
12 will immediately assist Pakistani people affected by mili-
13 tary operations: *Provided further*, That the authority to
14 provide assistance under this provision is in addition to
15 any other authority to provide assistance to foreign na-
16 tions: *Provided further*, That the Secretary of Defense may
17 transfer such amounts as he may determine from the
18 funds provided herein to appropriations for operation and
19 maintenance; Overseas Humanitarian, Disaster, and Civic
20 Aid; procurement; research, development, test and evalua-
21 tion; and defense working capital funds: *Provided further*,
22 That funds so transferred shall be merged with and be
23 available for the same purposes and for the same time pe-
24 riod as the appropriation or fund to which transferred:
25 *Provided further*, That the Secretary of Defense shall, not

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$7,029,145,000, to remain available until Sep-
4 tember 30, 2011.

5 AIRCRAFT PROCUREMENT, NAVY

6 For an additional amount for “Aircraft Procurement,
7 Navy”, \$754,299,000, to remain available until September
8 30, 2011.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$31,403,000, to remain available until Sep-
12 tember 30, 2011.

13 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

14 CORPS

15 For an additional amount for “Procurement of Am-
16 muniton, Navy and Marine Corps”, \$348,919,000, to re-
17 main available until September 30, 2011.

18 OTHER PROCUREMENT, NAVY

19 For an additional amount for “Other Procurement,
20 Navy”, \$207,181,000, to remain available until September
21 30, 2011.

22 PROCUREMENT, MARINE CORPS

23 For an additional amount for “Procurement, Marine
24 Corps”, \$1,658,347,000, to remain available until Sep-
25 tember 30, 2011.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$2,064,118,000, to remain available for obli-
4 gation until September 30, 2011.

5 MISSILE PROCUREMENT, AIR FORCE

6 For an additional amount for “Missile Procurement,
7 Air Force”, \$49,716,000, to remain available until Sep-
8 tember 30, 2011.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$138,284,000, to remain available
12 until September 30, 2011.

13 OTHER PROCUREMENT, AIR FORCE

14 For an additional amount for “Other Procurement,
15 Air Force”, \$1,910,343,000, to remain available until
16 September 30, 2011.

17 PROCUREMENT, DEFENSE-WIDE

18 For an additional amount for “Procurement, De-
19 fense-Wide”, \$237,868,000, to remain available until Sep-
20 tember 30, 2011.

21 NATIONAL GUARD AND RESERVE EQUIPMENT

22 For an additional amount for “National Guard and
23 Reserve Equipment”, \$500,000,000, to remain available
24 until September 30, 2011.

1 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For the “Mine Resistant Ambush Protected Vehicle
4 Fund”, \$4,243,000,000, to remain available until Sep-
5 tember 30, 2010: *Provided*, That such funds shall be avail-
6 able to the Secretary of Defense, notwithstanding any
7 other provision of law, to procure, sustain, transport, and
8 field Mine Resistant Ambush Protected vehicles: *Provided*
9 *further*, That the Secretary shall transfer such funds only
10 to appropriations for operation and maintenance; procure-
11 ment; research, development, test and evaluation; and de-
12 fense working capital funds to accomplish the purpose pro-
13 vided herein: *Provided further*, That this transfer authority
14 is in addition to any other transfer authority available to
15 the Department of Defense: *Provided further*, That the
16 Secretary shall, not fewer than 15 days prior to making
17 transfers from this appropriation, notify the congressional
18 defense committees in writing of the details of any such
19 transfer.

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Army”, \$71,935,000, to re-
7 main available until September 30, 2010.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 NAVY

10 For an additional amount of “Research, Develop-
11 ment, Test and Evaluation, Navy”, \$141,681,000, to re-
12 main available until September 30, 2010.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 AIR FORCE

15 For an additional amount of “Research, Develop-
16 ment, Test and Evaluation, Air Force”, \$174,159,000, to
17 remain available until September 30, 2010.

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
19 DEFENSE-WIDE

20 For an additional amount of “Research, Develop-
21 ment, Test and Evaluation, Defense-Wide”,
22 \$498,168,000, to remain available until September 30,
23 2010.

1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for “Defense Working
4 Capital Funds”, \$861,726,000, to remain available until
5 expended.

6 DEFENSE HEALTH PROGRAM

7 For an additional amount for “Defense Health Pro-
8 gram”, \$909,297,000, of which \$845,508,000 for oper-
9 ation and maintenance; of which \$30,185,000, to remain
10 available until September 30, 2011, for procurement; and
11 of which \$33,604,000, to remain available until September
12 30, 2010, for research, development, test and evaluation.

13 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

14 DEFENSE

15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for “Drug Interdiction and
17 Counter-Drug Activities, Defense”, \$123,398,000, to re-
18 main available until September 30, 2010: *Provided*, That
19 these funds may be used only for such activities related
20 to Afghanistan, Pakistan, and Central Asia.

21 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

22 For an additional amount for “Joint Improvised Ex-
23 plosive Device Defeat Fund”, \$1,116,746,000, to remain
24 available until September 30, 2011.

1 OFFICE OF THE INSPECTOR GENERAL

2 For an additional amount for “Office of the Inspector
3 General”, \$9,551,000.

4 GENERAL PROVISIONS—THIS TITLE

5 SEC. 301. Notwithstanding any other provision of
6 law, funds made available in this title are in addition to
7 amounts appropriated or otherwise made available for the
8 Department of Defense for fiscal year 2009.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 302. Upon the determination of the Secretary
11 of Defense that such action is necessary in the national
12 interest, the Secretary may transfer between appropria-
13 tions up to \$2,500,000,000 of the funds made available
14 to the Department of Defense in this title: *Provided*, That
15 the Secretary shall notify the Congress promptly of each
16 transfer made pursuant to this authority: *Provided further*,
17 That the authority provided in this section is in addition
18 to any other transfer authority available to the Depart-
19 ment of Defense and is subject to the same terms and
20 conditions as the authority provided in section 8005 of the
21 Department of Defense Appropriations Act, 2009, (Public
22 Law 110–116) except for the fourth proviso.

23 SEC. 303. Funds appropriated by this Act, or made
24 available by the transfer of funds in this Act, for intel-
25 ligence activities are deemed to be specifically authorized

1 by the Congress for purposes of section 504(a)(1) of the
2 National Security Act of 1947 (50 U.S.C. 414(a)(1)).

3 SEC. 304. During fiscal year 2009 and from funds
4 in the “Defense Cooperation Account”, as established by
5 10 U.S.C. 2608, the Secretary of Defense may transfer
6 not to exceed \$6,500,000 to such appropriations or funds
7 of the Department of Defense as the Secretary shall deter-
8 mine for use consistent with the purposes for which such
9 funds were contributed and accepted: *Provided*, That such
10 amounts shall be available for the same time period as
11 the appropriation to which transferred: *Provided further*,
12 That the Secretary shall report to the Congress all trans-
13 fers made pursuant to this authority.

14 SEC. 305. Supervision and administration costs asso-
15 ciated with a construction project funded with appropria-
16 tions available for operation and maintenance or “Afghan-
17 istan Security Forces Fund” provided in this title, and
18 executed in direct support of the overseas contingency op-
19 erations in Iraq and Afghanistan, may be obligated at the
20 time a construction contract is awarded: *Provided*, That
21 for the purpose of this section, supervision and adminis-
22 tration costs include all in-house Government costs.

23 SEC. 306. Funds made available in this title to the
24 Department of Defense for operation and maintenance
25 may be used to purchase items having an investment unit

1 cost of not more than \$250,000: *Provided*, That upon de-
2 termination by the Secretary of Defense that such action
3 is necessary to meet the operational requirements of a
4 Commander of a Combatant Command engaged in contin-
5 gency operations overseas, such funds may be used to pur-
6 chase items having an investment item unit cost of not
7 more than \$500,000: *Provided further*, That the Secretary
8 shall report to the Congress all purchases made pursuant
9 to this authority within 30 days of using the authority.

10 SEC. 307. From funds made available in this title,
11 the Secretary of Defense may purchase motor vehicles for
12 use by military and civilian employees of the Department
13 of Defense in Iraq and Afghanistan, up to a limit of
14 \$75,000 per vehicle, notwithstanding other limitations ap-
15 plicable to passenger carrying motor vehicles.

16 SEC. 308. Of the funds appropriated in Department
17 of Defense Appropriations Acts, the following funds are
18 hereby rescinded from the following accounts and pro-
19 grams in the specified amounts: *Provided*, That none of
20 the amounts may be rescinded from amounts that were
21 designated by the Congress as an emergency requirement
22 pursuant to a Concurrent Resolution on the Budget or the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985, as amended:

1 “Procurement, Marine Corps, 2007/2009”,
2 \$54,400,000;

3 “Other Procurement, Army, 2008/2010”,
4 \$29,300,000;

5 “Procurement, Marine Corps, 2008/2010”,
6 \$10,300,000;

7 “Research, Development, Test and Evaluation,
8 Navy, 2008/2009”, \$5,000,000;

9 “Research, Development, Test and Evaluation,
10 Air Force, 2008/2009”, \$36,107,000;

11 “Research, Development, Test and Evaluation,
12 Defense-Wide, 2008/2009”, \$200,000,000;

13 “Operation and Maintenance, Army, 2009/
14 2009”, \$352,359,000;

15 “Operation and Maintenance, Navy, 2009/
16 2009”, \$881,481,000;

17 “Operation and Maintenance, Marine Corps,
18 2009/2009”, \$54,466,000;

19 “Operation and Maintenance, Air Force, 2009/
20 2009”, \$925,203,000;

21 “Operation and Maintenance, Defense-Wide,
22 2009/2009”, \$267,635,000;

23 “Operation and Maintenance, Army Reserve,
24 2009/2009”, \$23,338,000;

1 “Operation and Maintenance, Navy Reserve,
2 2009/2009”, \$62,910,000;

3 “Operation and Maintenance, Marine Corps Re-
4 serve, 2009/2009”, \$1,250,000;

5 “Operation and Maintenance, Air Force Re-
6 serve, 2009/2009”, \$163,786,000;

7 “Operation and Maintenance, Army National
8 Guard, 2009/2009”, \$57,819,000;

9 “Operation and Maintenance, Air National
10 Guard, 2009/2009”, \$250,645,000;

11 “Aircraft Procurement, Army, 2009/2011”,
12 \$11,500,000;

13 “Procurement of Ammunition, Army, 2009/
14 2011”, \$107,100,000;

15 “Other Procurement, Army, 2009/2011”,
16 \$195,000,000;

17 “Procurement, Marine Corps, 2009/2011”,
18 \$10,300,000;

19 “Procurement, Defense-Wide, 2009/2011”,
20 \$6,400,000;

21 “Research, Development, Test and Evaluation,
22 Army, 2009/2010”, \$202,710,000;

23 “Research, Development, Test and Evaluation,
24 Navy, 2009/2010”, \$270,260,000; and

1 “Research, Development, Test and Evaluation,
2 Air Force, 2009/2010”, \$392,567,000.

3 SEC. 309. None of the funds appropriated or other-
4 wise made available by this title may be obligated or ex-
5 pended to provide award fees to any defense contractor
6 contrary to the provisions of section 814 of the National
7 Defense Authorization Act, Fiscal Year 2007 (Public Law
8 109–364).

9 SEC. 310. None of the funds provided in this title
10 may be used to finance programs or activities denied by
11 Congress in fiscal years 2008 or 2009 appropriations to
12 the Department of Defense or to initiate a procurement
13 or research, development, test and evaluation new start
14 program without prior written notification to the congres-
15 sional defense committees.

16 SEC. 311. None of the funds appropriated or other-
17 wise made available by this or any other Act shall be obli-
18 gated or expended by the United States Government for
19 the purpose of establishing any military installation or
20 base for the purpose of providing for the permanent sta-
21 tioning of United States Armed Forces in Afghanistan.

22 SEC. 312. (a) REPEAL OF SECRETARY OF DEFENSE
23 REPORTS ON TRANSITION READINESS OF IRAQ AND AF-
24 GHAN SECURITY FORCES.—Subsection (a) of section 9205
25 of Public Law 110–252 (122 Stat. 2412) is repealed.

1 (b) MODIFICATION OF REPORTS ON USE OF CERTAIN
2 SECURITY FORCES FUNDS.—

3 (1) PREPARATION IN CONSULTATION WITH
4 COMMANDER OF CENTCOM.—Subsection (b)(1) of
5 such section is amended by inserting “the Com-
6 mander of the United States Central Command;”
7 after “the Secretary of Defense;”.

8 (2) PERIOD OF REPORTS.—Such subsection is
9 further amended by striking “not later than 120
10 days after the date of the enactment of this Act and
11 every 90 days thereafter” and inserting “not later
12 than 45 days after the end of each fiscal year quar-
13 ter”.

14 (3) FUNDS COVERED BY REPORTS.—Such sub-
15 section is further amended by striking “and ‘Af-
16 ghanistan Security Forces Fund’” and inserting “,
17 ‘Afghanistan Security Forces Fund’, and ‘Pakistan
18 Counterinsurgency Capability Fund’”.

19 (c) NOTICE NEW PROJECTS AND TRANSFERS OF
20 FUNDS.—Subsection (c) of such section is amended by
21 striking “the headings” and all that follows and inserting
22 “the headings as follows:

23 “(1) ‘Iraq Security Forces Fund’.

24 “(2) ‘Afghanistan Security Forces Fund’.

1 “(3) ‘Pakistan Counterinsurgency Capability
2 Fund’.”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act.

6 SEC. 313. (a) Section 1174(h)(1) of title 10, United
7 States Code, is amended to read as follows:

8 “(1) A member who has received separation pay
9 under this section, or separation pay, severance pay,
10 or readjustment pay under any other provision of
11 law, based on service in the armed forces, and who
12 later qualifies for retired or retainer pay under this
13 title or title 14 shall have deducted from each pay-
14 ment of such retired or retainer pay an amount, in
15 such schedule of monthly installments as the Sec-
16 retary of Defense shall specify, taking into account
17 the financial ability of the member to pay and avoid-
18 ing the imposition of undue financial hardship on
19 the member and member’s dependents, until the
20 total amount deducted is equal to the total amount
21 of separation pay, severance pay, and readjustment
22 pay so paid.”.

23 (b) Section 1175(e)(3)(A) of title 10, United States
24 Code, is amended to read as follows:

1 “(3)(A) A member who has received the vol-
2 untary separation incentive and who later qualifies
3 for retired or retainer pay under this title shall have
4 deducted from each payment of such retired or re-
5 tainer pay an amount, in such schedule of monthly
6 installments as the Secretary of Defense shall speci-
7 fy, taking into account the financial ability of the
8 member to pay and avoiding the imposition of undue
9 financial hardship on the member and member’s de-
10 pendents, until the total amount deducted is equal to
11 the total amount of separation pay, severance pay,
12 and readjustment pay so paid. If the member elected
13 to have a reduction in voluntary separation incentive
14 for any period pursuant to paragraph (2), the deduc-
15 tion required under the preceding sentence shall be
16 reduced as the Secretary of Defense shall specify.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to any repayments of separation
19 pay, severance pay, readjustment pay, special separation
20 benefit, or voluntary separation incentive, that occur on
21 or after the date of enactment, including any ongoing re-
22 payment actions that were initiated prior to this amend-
23 ment.

24 SEC. 314. Each amount in this title is designated as
25 being for overseas deployments and other activities pursu-

1 ant to sections 401(c)(4) and 423(a) of S. Con. Res. 13
2 (111th Congress), the concurrent resolution on the budget
3 for fiscal year 2010.

4 TITLE IV

5 DEPARTMENT OF DEFENSE—CIVIL

6 DEPARTMENT OF THE ARMY

7 CORPS OF ENGINEERS—CIVIL

8 OPERATION AND MAINTENANCE

9 For an additional amount for “Operation and Main-
10 tenance” to dredge navigation channels and repair damage
11 to Corps projects nationwide related to natural disasters,
12 \$38,375,000, to remain available until expended: *Pro-*
13 *vided*, That the Assistant Secretary of the Army for Civil
14 Works shall provide a monthly report to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate detailing the allocation and obligation of these
17 funds, beginning not later than 60 days after enactment
18 of this Act: *Provided further*, That the amount under this
19 heading is designated as an emergency requirement and
20 necessary to meet emergency needs pursuant to sections
21 403(a) and 423(b) of S. Con. Res. 13 (111th Congress),
22 the concurrent resolution on the budget for fiscal year
23 2010.

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For an additional amount for “Flood Control and
3 Coastal Emergencies”, as authorized by section 5 of the
4 Act of August 18, 1941 (33 U.S.C. 701n), for necessary
5 expenses relating to the consequences of natural disasters
6 as authorized by law, \$804,290,000, to remain available
7 until expended: *Provided*, That the Secretary of the Army
8 is directed to use \$315,290,000 of the funds appropriated
9 under this heading to support emergency operations, re-
10 pair eligible projects nationwide, and for other activities
11 in response to natural disasters: *Provided further*, That
12 the Secretary of the Army is directed to use \$489,000,000
13 of the amount provided under this heading for barrier is-
14 land restoration and ecosystem restoration to restore his-
15 toric levels of storm damage reduction to the Mississippi
16 Gulf Coast: *Provided further*, That this work shall be car-
17 ried out at full Federal expense: *Provided further*, That
18 the Assistant Secretary of the Army for Civil Works shall
19 provide a monthly report to the Committees on Appropria-
20 tions of the House of Representatives and the Senate de-
21 tailing the allocation and obligation of these funds, begin-
22 ning not later than 60 days after enactment of this Act:
23 *Provided further*, That the amount under this heading is
24 designated as an emergency requirement and necessary to
25 meet emergency needs pursuant to sections 403(a) and

1 423(b) of S. Con. Res. 13 (111th Congress), the concur-
2 rent resolution on the budget for fiscal year 2010.

3 DEPARTMENT OF ENERGY

4 ENERGY PROGRAMS

5 STRATEGIC PETROLEUM RESERVE

6 (TRANSFER OF FUNDS)

7 For an additional amount for the “Strategic Petro-
8 leum Reserve” account, \$21,585,723, to remain available
9 until expended, to be derived by transfer from the “SPR
10 Petroleum Account” for site maintenance activities: *Pro-*
11 *vided*, That the amount under this heading is designated
12 as an emergency requirement and necessary to meet emer-
13 gency needs pursuant to sections 403(a) and 423(b) of
14 S. Con. Res. 13 (111th Congress), the concurrent resolu-
15 tion on the budget for fiscal year 2010.

16 NATIONAL NUCLEAR SECURITY ADMINISTRATION

17 WEAPONS ACTIVITIES

18 (TRANSFER OF FUNDS)

19 For an additional amount for “Weapons Activities”,
20 \$34,500,000, to remain available until expended, to be di-
21 vided among the three national security laboratories of
22 Livermore, Sandia and Los Alamos to fund a sustainable
23 capability to analyze nuclear and biological weapons intel-
24 ligence: *Provided*, That the Director of National Intel-
25 ligence shall provide a written report to the Senate Appro-

1 priations Committee, the Senate Armed Services Com-
2 mittee and the Senate Select Committee on Intelligence
3 within 90 days of enactment on how the National Nuclear
4 Security Administration will invest these resources in tech-
5 nical and core analytical capabilities: *Provided further*,
6 That the amount under this heading is designated as
7 being for overseas deployments and other activities pursu-
8 ant to sections 401(c)(4) and 423(a) of S. Con. Res. 13
9 (111th Congress), the concurrent resolution on the budget
10 for fiscal year 2010.

11 DEFENSE NUCLEAR NONPROLIFERATION

12 For an additional amount for “Defense Nuclear Non-
13 proliferation” in the National Nuclear Security Adminis-
14 tration, \$55,000,000, to remain available until expended,
15 for the International Nuclear Materials Protection and
16 Cooperation Program to counter emerging threats at nu-
17 clear facilities in Russia and other countries of concern
18 through detecting and deterring insider threats through
19 security upgrades: *Provided*, That the amount under this
20 heading is designated as being for overseas deployments
21 and other activities pursuant to sections 401(c)(4) and
22 423(a) of S. Con. Res. 13 (111th Congress), the concur-
23 rent resolution on the budget for fiscal year 2010.

1 GENERAL PROVISIONS—THIS TITLE

2 LIMITED TRANSFER AUTHORITY

3 SEC. 401. Section 403 of title IV of division A of the
4 American Recovery and Reinvestment Act of 2009 (Public
5 Law 111–5) is amended by striking all of the text and
6 inserting the following:

7 **“SEC. 403. LIMITED TRANSFER AUTHORITY.**

8 “The Secretary of Energy may transfer up to 0.5 per-
9 cent from each amount appropriated to the Department
10 of Energy in this title to any other appropriate account
11 within the Department of Energy, to be used for manage-
12 ment and oversight activities: *Provided*, That the Sec-
13 retary shall provide a report to the Committees on Appro-
14 priations of the House of Representatives and the Senate
15 15 days prior to any transfer: *Provided further*, That any
16 funds so transferred under this section shall remain avail-
17 able for obligation until September 30, 2012.”.

18 WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS

19 SEC. 402. Section 4601(c)(1) of the Atomic Energy
20 Defense Act (50 U.S.C. 2701(c)(1)) is amended by strik-
21 ing “September 30, 2008” and inserting “September 30,
22 2009”.

1 CORPS OF ENGINEERS TECHNICAL FIX

2 SEC. 403. (a) IN GENERAL.—Section 3181 of the
3 Water Resources Development Act of 2007 (Public Law
4 110–114; 121 Stat. 1158) is amended—

5 (1) in subsection (a)—

6 (A) by redesignating paragraphs (4)
7 through (11) as paragraphs (5), (6), (8), (9),
8 (10), (11), (12), and (13), respectively;

9 (B) by inserting after paragraph (3) the
10 following:

11 “(4) NORTHEAST HARBOR, MAINE.—The
12 project for navigation, Northeast Harbor, Maine, au-
13 thorized by section 2 of the Act of March 2, 1945
14 (59 Stat. 12).”; and

15 (C) by inserting after paragraph (6) (as
16 redesignated by subparagraph (A)) the fol-
17 lowing:

18 “(7) TENANTS HARBOR, MAINE.—The project
19 for navigation, Tenants Harbor, Maine, authorized
20 by the first section of the Act of March 2, 1919 (40
21 Stat. 1275).”; and

22 (2) in subsection (h)—

23 (A) by striking paragraphs (15) and (16);

24 and

1 (B) by redesignating paragraphs (17)
2 through (29) as paragraphs (15) through (27),
3 respectively.

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall take effect as if included in the Water
6 Resources Development Act of 2007 (Public Law 110–
7 114; 121 Stat. 1041)

8 CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

9 SEC. 404. Unlimited reprogramming authority is
10 granted to the Secretary of the Army for funds provided
11 in title IV—Energy and Water Development of Public
12 Law 111–5 under the heading “Department of Defense—
13 Civil, Department of the Army, Corps of Engineers—
14 Civil”.

15 BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

16 SEC. 405. Unlimited reprogramming authority is
17 granted to the Secretary of the Interior for funds provided
18 in title IV—Energy and Water Development of Public
19 Law 111–5 under the heading “Bureau of Reclamation,
20 Water and Related Resources”.

21 COST ANALYSIS OF TRITIUM PROGRAM CHANGES

22 SEC. 406. No funds in this Act, or other previous
23 Acts, shall be provided to fund activities related to the
24 mission relocation of either the design authority for the
25 gas transfer systems or tritium research and development

1 facilities during the current fiscal year and until the De-
2 partment can provide the Senate Appropriations Com-
3 mittee an independent technical mission review and cost
4 analysis by the JASON's as proposed in the Complex
5 Transformation Site-Wide Programmatic Environmental
6 Impact Statement.

7 CORPS OF ENGINEERS PROJECT COST CEILING INCREASE
8 SEC. 407. The project for ecosystem restoration,
9 Upper Newport Bay, California, authorized by section
10 101(b)(9) of the Water Resources Development Act of
11 2000 (114 Stat. 2577), is modified to authorize the Sec-
12 retary to construct the project at a total cost of
13 \$50,659,000, with an estimated Federal cost of
14 \$32,928,000 and a non-Federal cost of \$17,731,000.

15 SEC. 408. None of the funds provided in the matter
16 under the heading entitled "Department of Defense—
17 Civil" in this Act, or provided by previous appropriations
18 Acts under the heading entitled "Department of De-
19 fense—Civil" may be used to deconstruct any work (in-
20 cluding any partially completed work) completed under the
21 Mississippi River and Tributaries Project authorized by
22 the Act of May 15, 1928 (45 2 Stat. 534; 100 Stat. 4183),
23 during fiscal year 2009, 2010, and 2011.

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
2 PROGRAM

3 SEC. 409. The matter under the heading “Title 17
4 Innovative Technology Loan Guarantee Program” of title
5 III of division C of the Omnibus Appropriations Act, 2009
6 (Public Law 111–8; 123 Stat. 619) is amended in the
7 ninth proviso—

8 (1) by striking “or (d)” and inserting “(d)”;
9 and

10 (2) by striking “the guarantee” and inserting
11 “the guarantee; (e) contracts, leases or other agree-
12 ments entered into prior to May 1, 2009 for front-
13 end nuclear fuel cycle projects, where such project li-
14 censes technology from the Department of Energy,
15 and pays royalties to the federal government for
16 such license and the amount of such royalties will
17 exceed the amount of federal spending, if any, under
18 such contracts, leases or agreements; or (f) grants or
19 cooperative agreements, to the extent that obliga-
20 tions of such grants or cooperative agreements have
21 been recorded in accordance with section 1501(a)(5)
22 of title 31, United States Code, on or before May 1,
23 2009”.

1 TITLE V
2 DEPARTMENT OF THE TREASURY
3 DEPARTMENTAL OFFICES
4 SALARIES AND EXPENSES
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Departmental Offices,
7 Salaries and Expenses”, \$4,000,000, to remain available
8 until December 31, 2010: *Provided*, That, not later than
9 10 days following enactment of this Act, the Secretary of
10 the Treasury shall transfer funds provided under this
11 heading to an account to be designated for the necessary
12 expenses of the Financial Crisis Inquiry Commission es-
13 tablished pursuant to section 5 of the Fraud Enforcement
14 and Recovery Act of 2009: *Provided further*, That the
15 amount under this heading is designated as an emergency
16 requirement and necessary to meet emergency needs pur-
17 suant to sections 403(a) and 423(b) of S. Con. Res. 13
18 (111th Congress), the concurrent resolution on the budget
19 for fiscal year 2010.

20 EXECUTIVE OFFICE OF THE PRESIDENT AND
21 FUNDS APPROPRIATED TO THE PRESIDENT
22 NATIONAL SECURITY COUNCIL
23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$2,936,000, of which \$800,000 shall remain

1 available until expended and \$2,136,000 shall remain
2 available until September 30, 2010: *Provided*, That the
3 amount under this heading is designated as being for over-
4 seas deployments and other activities pursuant to sections
5 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Con-
6 gress), the concurrent resolution on the budget for fiscal
7 year 2010.

8 PANDEMIC PREPAREDNESS AND RESPONSE

9 (INCLUDING TRANSFERS OF FUNDS)

10 For an amount to be deposited into an account for
11 “Pandemic Preparedness and Response” to be established
12 within the Executive Office of the President for expenses
13 to prepare for and respond to a potential pandemic disease
14 outbreak and to assist international efforts to control the
15 spread of such an outbreak, including for the 2009–H1N1
16 influenza outbreak, \$1,500,000,000, to remain available
17 until September 30, 2010, and to be transferred by the
18 Director of the Office of Management and Budget as fol-
19 lows: \$900,000,000 shall be transferred to and merged
20 with funds made available under the heading “Department
21 of Health and Human Services, Public Health and Social
22 Services Emergency Fund” for allocation by the Sec-
23 retary; \$190,000,000 shall be transferred to and merged
24 with funds made available for the United States Depart-
25 ment of Homeland Security under the heading “Depart-

1 mental Management and Operations, Office of the Sec-
2 retary and Executive Management” for allocation by the
3 Secretary; \$100,000,000 shall be transferred to and
4 merged with funds made available for the United States
5 Department of Agriculture under the heading “Agricul-
6 tural Programs, Production, Processing and Marketing,
7 Office of the Secretary” for allocation by the Secretary;
8 \$50,000,000 shall be transferred to and merged with
9 funds made available under the heading “Department of
10 Health and Human Services, Food and Drug Administra-
11 tion, Salaries and Expenses”; \$110,000,000 shall be
12 transferred to and merged with funds made available
13 under the heading “Department of Veterans Affairs, Vet-
14 erans Health Administration, Medical Services”; and
15 \$150,000,000 shall be transferred to and merged with
16 funds made available under the heading “Bilateral Eco-
17 nomic Assistance, Funds Appropriated to the President,
18 Global Health and Child Survival”, to support programs
19 of the United States Agency for International Develop-
20 ment: *Provided*, That such transfers shall be made not
21 more than 10 days after the date of enactment of this
22 Act: *Provided further*, That none of the funds provided
23 under this heading shall be available for obligation until
24 15 days following the submittal of a detailed spending plan
25 by each Department receiving funds to the Committees on

1 Appropriations of the House of Representatives and the
2 Senate: *Provided further*, That the transfer authority pro-
3 vided under this heading is in addition to any other trans-
4 fer authority available in this or any other Act: *Provided*
5 *further*, That the amount under this heading is designated
6 as an emergency requirement and necessary to meet emer-
7 gency needs pursuant to sections 403(a) and 423(b) of
8 S. Con. Res. 13 (111th Congress), the concurrent resolu-
9 tion on the budget for fiscal year 2010.

10 THE JUDICIARY
11 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
12 JUDICIAL SERVICES
13 SALARIES AND EXPENSES
14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Salaries and Ex-
16 penses”, \$10,000,000, to remain available until September
17 30, 2010: *Provided*, That notwithstanding section 302 of
18 division D of Public Law 111–8, funding shall be available
19 for transfer between Judiciary accounts to meet increased
20 workload requirements resulting from immigration and
21 other law enforcement initiatives on the Southwest border:
22 *Provided further*, That the amount under this heading is
23 designated as being for overseas deployments and other
24 activities pursuant to sections 401(c)(4) and 423(a) of S.

1 Con. Res. 13 (111th Congress), the concurrent resolution
2 on the budget for fiscal year 2010.

3 INDEPENDENT AGENCIES

4 SECURITIES AND EXCHANGE COMMISSION

5 SALARIES AND EXPENSES

6 For an additional amount for necessary expenses for
7 the Securities and Exchange Commission, \$10,000,000, to
8 remain available until September 30, 2010, for investiga-
9 tion of securities fraud: *Provided*, That the amount under
10 this heading is designated as an emergency requirement
11 and necessary to meet emergency needs pursuant to sec-
12 tions 403(a) and 423(b) of S. Con. Res. 13 (111th Con-
13 gress), the concurrent resolution on the budget for fiscal
14 year 2010.

15 GENERAL PROVISIONS—THIS TITLE

16 SEC. 501. (a) IN GENERAL.—Section 3(c)(2)(A) of
17 Public Law 110–428 is amended—

18 (1) in the matter before clause (i), by striking
19 “4-year” and inserting “5-year”; and

20 (2) in clause (i), by striking “1-year” and in-
21 serting “2-year”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect as if included in the enact-
24 ment of Public Law 110–428.

1 ment, and transportation of unaccompanied alien children;
2 and of which \$40,000,000 shall be for response to border
3 security issues on the Southwest border of the United
4 States.

5 AIR AND MARINE INTERDICTION, OPERATIONS,
6 MAINTENANCE, AND PROCUREMENT

7 For an additional amount for “Salaries and Ex-
8 penses”, \$5,000,000, to remain available until September
9 30, 2010, for response to border security issues on the
10 Southwest border of the United States.

11 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
12 SALARIES AND EXPENSES

13 For an additional amount for “Salaries and Ex-
14 penses”, \$66,800,000, to remain available until September
15 30, 2010, of which \$11,800,000 shall be for the care,
16 treatment, and transportation of unaccompanied alien
17 children; and of which \$55,000,000 shall be for response
18 to border security issues on the Southwest border of the
19 United States.

20 COAST GUARD
21 OPERATING EXPENSES

22 For an additional amount for “Operating Expenses”,
23 \$139,503,000; of which \$129,503,000 shall be for Coast
24 Guard operations in support of Operation Iraqi Freedom
25 and Operation Enduring Freedom; and of which

1 \$10,000,000 shall be available until September 30, 2010,
2 for High Endurance Cutter maintenance, major repairs,
3 and improvements.

4 FEDERAL EMERGENCY MANAGEMENT AGENCY
5 STATE AND LOCAL PROGRAMS

6 For an additional amount for “State and Local Pro-
7 grams”, \$30,000,000 shall be for Operation Stonegarden.

8 GENERAL PROVISIONS—THIS TITLE
9 (INCLUDING RESCISSION)

10 SEC. 601. (a) RESCISSION.—Of amounts previously
11 made available from “Federal Emergency Management
12 Agency, Disaster Relief” to the State of Mississippi pursu-
13 ant to section 404 of the Robert T. Stafford Disaster Re-
14 lief and Emergency Assistance Act (42 U.S.C. 5170c) for
15 Hurricane Katrina, an additional \$100,000,000 are re-
16 scinded.

17 (b) APPROPRIATION.—For “Federal Emergency
18 Management Agency, State and Local Programs”, there
19 is appropriated an additional \$100,000,000, to remain
20 available until expended, for a grant to the State of Mis-
21 sissippi for an interoperable communications system re-
22 quired in the aftermath of Hurricane Katrina: *Provided*,
23 That the amount under this heading is designated as an
24 emergency requirement and necessary to meet emergency
25 needs pursuant to sections 403(a) and 423(b) of S. Con.

1 Res. 13 (111th Congress), the concurrent resolution on
2 the budget for fiscal year 2010.

3 SEC. 602. The Department of Homeland Security
4 Appropriations Act, 2009 (Public Law 110–329) is
5 amended under the heading “Federal Emergency Manage-
6 ment Agency, Management and Administration” after
7 “the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5121 et seq.),” by adding
9 “Cerro Grande Fire Assistance Act of 2000 (division C,
10 title I, 114 Stat. 583),”.

11 SEC. 603. Notwithstanding any provision under
12 (a)(1)(A) of 15 U.S.C. 2229a specifying that grants must
13 be used to increase the number of fire fighters in fire de-
14 partments, the Secretary of Homeland Security may, in
15 making grants described under 15 U.S.C. 2229a for fiscal
16 year 2009 or 2010, grant waivers from the requirements
17 of subsection (a)(1)(B), subsection (c)(1), subsection
18 (c)(2), and subsection (c)(4)(A), and may award grants
19 for the hiring, rehiring, or retention of firefighters.

20 SEC. 604. The Administrator of the Federal Emer-
21 gency Management Agency shall extend through March
22 2010 reimbursement of case management activities con-
23 ducted by the State of Mississippi under the Disaster
24 Housing Assistance Program to individuals in the pro-
25 gram on April 30, 2009.

1 representatives and the Senate in writing of the need for
2 these additional funds: *Provided further*, That the Sec-
3 retary of the Interior may transfer any of these funds to
4 the Secretary of Agriculture if the transfer enhances the
5 efficiency or effectiveness of Federal wildland fire suppres-
6 sion activities: *Provided further*, That the amount under
7 this heading is designated as an emergency requirement
8 and necessary to meet emergency needs pursuant to sec-
9 tions 403(a) and 423(b) of S. Con. Res. 13 (111th Con-
10 gress), the concurrent resolution on the budget for fiscal
11 year 2010.

12 DEPARTMENT OF AGRICULTURE

13 FOREST SERVICE

14 WILDLAND FIRE MANAGEMENT

15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount to cover necessary expenses
17 for wildfire suppression and emergency rehabilitation ac-
18 tivities of the Forest Service, \$200,000,000, to remain
19 available until expended: *Provided*, That such funds shall
20 only become available if funds provided previously for
21 wildland fire suppression will be exhausted imminently
22 and after the Secretary of Agriculture notifies the Com-
23 mittees on Appropriations of the House of Representatives
24 and the Senate in writing of the need for these additional
25 funds: *Provided further*, That the Secretary of Agriculture

1 may transfer not more than \$50,000,000 of these funds
2 to the Secretary of the Interior if the transfer enhances
3 the efficiency or effectiveness of Federal wildland fire sup-
4 pression activities: *Provided further*, That the amount
5 under this heading is designated as an emergency require-
6 ment and necessary to meet emergency needs pursuant to
7 sections 403(a) and 423(b) of S. Con. Res. 13 (111th Con-
8 gress), the concurrent resolution on the budget for fiscal
9 year 2010.

10 GENERAL PROVISIONS—THIS TITLE

11 SEC. 701. Public Law 111–8, division E, title III, De-
12 partment of Health and Human Services, Agency for
13 Toxic Substances and Disease Registry, Toxic Substances
14 and Environmental Public Health is amended by inserting
15 “per eligible employee” after “\$1,000”.

16 SEC. 702. (a) Section 1606 of division A, title XVI
17 of Public Law 111–5 shall not be applied to projects car-
18 ried out by youth conservation organizations under agree-
19 ment with the Department of the Interior or the Forest
20 Service for which funds were provided in title VII.

21 (b) For purposes of this provision, the term “youth
22 conservation organizations” means not-for-profit organi-
23 zations that provide conservation service learning opportu-
24 nities for youth 16 to 25 years of age.

1 TITLE VIII
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 ADMINISTRATION FOR CHILDREN AND FAMILIES
5 REFUGEE AND ENTRANT ASSISTANCE

6 For an additional amount for “Refugee and Entrant
7 Assistance” for necessary expenses for unaccompanied
8 alien children as authorized by section 462 of the Home-
9 land Security Act of 2002 and section 235 of the William
10 Wilberforce Trafficking Victims Protection Reauthoriza-
11 tion Act of 2008, \$82,000,000, to remain available
12 through September 30, 2011: *Provided*, That the amount
13 under this heading is designated as being for overseas de-
14 ployments and other activities pursuant to sections
15 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Con-
16 gress), the concurrent resolution on the budget for fiscal
17 year 2010.

18 GENERAL PROVISIONS—THIS TITLE

19 (TRANSFER OF FUNDS)

20 SEC. 801. Section 801(a) of division A of Public Law
21 111–5 is amended by inserting “, and may be transferred
22 by the Department of Labor to any other account within
23 the Department for such purposes” before the end period.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 802. (a) Notwithstanding any other provision
3 of law, during the period from September 1 through Sep-
4 tember 30, 2009, the Secretary of Education shall transfer
5 to the Career, Technical, and Adult Education account an
6 amount not to exceed \$17,678,270 from amounts that
7 would otherwise lapse at the end of fiscal year 2009 and
8 that were originally made available under the Department
9 of Education Appropriations Act, 2009 or any Depart-
10 ment of Education Appropriations Act for a previous fiscal
11 year.

12 (b) Funds transferred under this section to the Ca-
13 reer, Technical, and Adult Education account shall be obli-
14 gated by September 30, 2009.

15 (c) Any amounts transferred pursuant to this section
16 shall be for carrying out Adult Education State Grants,
17 and shall be allocated, notwithstanding any other provision
18 of law, only to those States that received funds under that
19 program for fiscal year 2009 that were at least 9.9 percent
20 less than those States received under that program for fis-
21 cal year 2008.

22 (d) The Secretary shall use these additional funds to
23 increase those States' allocations under that program up
24 to the amount they received under that program for fiscal
25 year 2008.

1 (e) The Secretary shall notify the Committees on Ap-
2 propriations of both Houses of Congress of any transfer
3 pursuant to this section.

4 TITLE IX

5 LEGISLATIVE BRANCH

6 CAPITOL POLICE

7 GENERAL EXPENSES

8 For an additional amount for “Capitol Police, Gen-
9 eral Expenses”, \$71,606,000, to purchase and install a
10 new radio system for the U.S. Capitol Police, to remain
11 available until September 30, 2012: *Provided*, That the
12 Chief of the Capitol Police may not obligate any of the
13 funds appropriated under this heading without approval
14 of an obligation plan by the Committees on Appropriations
15 of the Senate and the House of Representatives.

16 CONGRESSIONAL BUDGET OFFICE

17 SALARIES AND EXPENSES

18 For an additional amount for “Salaries and Ex-
19 penses”, \$2,000,000, to remain available until September
20 30, 2010.

21 GENERAL PROVISION—THIS TITLE

22 SEC. 901. The amount available to the Committee on
23 the Judiciary for expenses, including salaries, under sec-
24 tion 13(b) of Senate Resolution 73, agreed to March 10,
25 2009, is increased by \$500,000.

1 TITLE X
2 MILITARY CONSTRUCTION
3 MILITARY CONSTRUCTION, ARMY
4 (INCLUDING RESCISSION)

5 For an additional amount for “Military Construction,
6 Army”, \$1,229,731,000, to remain available until Sep-
7 tember 30, 2013: *Provided*, That notwithstanding any
8 other provision of law, such funds may be obligated and
9 expended to carry out planning and design and military
10 construction projects not otherwise authorized by law:
11 *Provided further*, That none of the funds provided under
12 this heading for military construction projects in Afghani-
13 stan shall be obligated or expended until the Secretary of
14 Defense certifies to the Committees on Appropriations of
15 both Houses of Congress that a prefinancing statement
16 for each project has been submitted to the North Atlantic
17 Treaty Organization (NATO) for consideration of funding
18 by the NATO Security Investment Program.

19 For an additional amount for “Military Construction,
20 Army”, \$49,000,000, to remain available until September
21 30, 2013: *Provided*, That notwithstanding any other provi-
22 sion of law, such funds may be obligated and expended
23 to carry out planning and design and military construction
24 projects not otherwise authorized by law: *Provided further*,
25 That the preceding amount in this paragraph is des-

1 ignited as an emergency requirement and necessary to
2 meet emergency needs pursuant to sections 403(a) and
3 423(b) of S. Con. Res. 13 (111th Congress), the concur-
4 rent resolution on the budget for fiscal year 2010: *Pro-*
5 *vided further*, That of the funds appropriated for “Military
6 Construction, Army” under Public Law 110–252,
7 \$49,000,000 are hereby rescinded.

8 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
9 For an additional amount for “Military Construction,
10 Navy and Marine Corps”, \$243,083,000, to remain avail-
11 able until September 30, 2013: *Provided*, That notwith-
12 standing any other provision of law, such funds may be
13 obligated and expended to carry out planning and design
14 and military construction projects not otherwise author-
15 ized by law.

16 MILITARY CONSTRUCTION, AIR FORCE
17 For an additional amount for “Military Construction,
18 Air Force”, \$265,470,000, to remain available until Sep-
19 tember 30, 2013: *Provided*, That notwithstanding any
20 other provision of law, such funds may be obligated and
21 expended to carry out planning and design and military
22 construction projects not otherwise authorized by law:
23 *Provided further*, That none of the funds provided under
24 this heading for military construction projects in Afghani-
25 stan shall be obligated or expended until the Secretary of

1 Defense certifies to the Committees on Appropriations of
2 both Houses of Congress that a prefinancing statement
3 for each project has been submitted to the North Atlantic
4 Treaty Organization (NATO) for consideration of funding
5 by the NATO Security Investment Program.

6 MILITARY CONSTRUCTION, DEFENSE-WIDE

7 For an additional amount for “Military Construction,
8 Defense-Wide”, \$181,500,000, to remain available until
9 September 30, 2013: *Provided*, That notwithstanding any
10 other provision of law, such funds may be obligated and
11 expended to carry out planning and design and military
12 construction projects not otherwise authorized by law:
13 *Provided further*, That \$1,781,500,000 is hereby author-
14 ized for fiscal years 2009 through 2013 for the purposes
15 of this appropriation.

16 NORTH ATLANTIC TREATY ORGANIZATION SECURITY
17 INVESTMENT PROGRAM

18 For an additional amount for “North Atlantic Treaty
19 Organization Security Investment Program”,
20 \$100,000,000, to remain available until expended: *Pro-*
21 *vided*, That notwithstanding any other provision of law,
22 such funds are authorized for the North Atlantic Treaty
23 Security Investment Program for purposes of section 2806
24 of title 10, United States Code, and section 2502 of the

1 Military Construction Authorization Act for Fiscal Year
2 2009 (division B of Public Law 110–417).

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

4 2005

5 For deposit into the Department of Defense Base
6 Closure Account 2005, established by section 2906A(a)(1)
7 of the Defense Base Closure and Realignment Act of 1990
8 (10 U.S.C. 2687 note), \$230,900,000, to remain available
9 until expended: *Provided*, That notwithstanding any other
10 provision of law, such funds may be obligated and ex-
11 pended to carry out operation and maintenance, planning
12 and design and military construction projects not other-
13 wise authorized by law.

14 GENERAL PROVISIONS—THIS TITLE

15 SEC. 1001. None of the funds appropriated in this
16 or any other Act may be used to disestablish, reorganize,
17 or relocate the Armed Forces Institute of Pathology, ex-
18 cept for the Armed Forces Medical Examiner, until the
19 President has established, as required by section 722 of
20 the National Defense Authorization Act for Fiscal Year
21 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176
22 note), a Joint Pathology Center, and the Joint Pathology
23 Center is demonstrably performing the minimum require-
24 ments set forth in section 722 of the National Defense
25 Authorization Act for Fiscal Year 2008.

1 1961: *Provided further*, That of the funds appropriated
2 under this heading, not more than \$10,000,000 for public
3 diplomacy activities may be transferred to, and merged
4 with, funds made available under the heading “Inter-
5 national Broadcasting Operations” for broadcasting ac-
6 tivities to the Pakistan-Afghanistan border region: *Pro-*
7 *vided further*, That of the funds appropriated under this
8 heading, \$57,000,000 shall be made available for aircraft
9 acquisition, maintenance, operations and leases in Afghan-
10 istan for the Department of State and the United States
11 Agency for International Development (USAID), and the
12 uses and oversight of such aircraft shall be the responsi-
13 bility of the United States Chief of Mission in Afghani-
14 stan: *Provided further*, That of the funds made available
15 pursuant to the previous proviso, \$40,000,000 shall be
16 transferred to, and merged with, funds made available
17 under the heading “United States Agency for Inter-
18 national Development, Funds Appropriated to the Presi-
19 dent, Operating Expenses” for the purpose of USAID’s
20 air services: *Provided further*, That such aircraft utilized
21 by USAID may be used to transport Federal and non-
22 Federal personnel supporting USAID programs and ac-
23 tivities: *Provided further*, That official travel of other agen-
24 cies for other purposes may be supported on a reimburs-

1 able basis, or without reimbursement when traveling on
2 a space available basis.

3 OFFICE OF INSPECTOR GENERAL

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Office of Inspector
6 General”, \$22,200,000, to remain available until Sep-
7 tember 30, 2010, of which \$7,000,000 shall be transferred
8 to the Special Inspector General for Iraq Reconstruction
9 for reconstruction oversight, and \$7,200,000 shall be
10 transferred to the Special Inspector General for Afghani-
11 stan Reconstruction for reconstruction oversight: *Pro-*
12 *vided*, That the Special Inspector General for Afghanistan
13 Reconstruction may exercise the authorities of subsections
14 (b) through (i) of section 3161 of title 5, United States
15 Code (without regard to subsection (a) of such section)
16 for funds made available for fiscal years 2009 and 2010.

17 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

18 For an additional amount for “Embassy Security,
19 Construction, and Maintenance”, \$820,500,000, to re-
20 main available until expended, for worldwide security up-
21 grades, acquisition, and construction as authorized, and
22 shall be made available for secure diplomatic facilities and
23 housing for United States mission staff in Afghanistan
24 and Pakistan, and for mobile mail screening units.

1 INTERNATIONAL ORGANIZATIONS
2 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
3 ACTIVITIES
4 For an additional amount for “Contributions for
5 International Peacekeeping Activities”, \$721,000,000, to
6 remain available until September 30, 2010.

7 UNITED STATES AGENCY FOR INTERNATIONAL
8 DEVELOPMENT
9 FUNDS APPROPRIATED TO THE PRESIDENT
10 OPERATING EXPENSES

11 For an additional amount for “Operating Expenses”,
12 \$112,600,000, to remain available until September 30,
13 2010.

14 CAPITAL INVESTMENT FUND
15 For an additional amount for “Capital Investment
16 Fund”, \$48,500,000, to remain available until expended.

17 OFFICE OF INSPECTOR GENERAL
18 For an additional amount for “Office of Inspector
19 General”, \$3,500,000, to remain available until September
20 30, 2010, for oversight of programs in Afghanistan and
21 Pakistan.

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”, \$50,000,000, to remain available until
6 September 30, 2010, notwithstanding any other provision
7 of law, except for the United States Leadership Against
8 HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public
9 Law 108–25), for a United States contribution to the
10 Global Fund to Fight AIDS, Tuberculosis and Malaria.

11 DEVELOPMENT ASSISTANCE

12 For an additional amount for “Development Assist-
13 ance”, \$38,000,000, to remain available until September
14 30, 2010, for assistance for Kenya.

15 INTERNATIONAL DISASTER ASSISTANCE

16 For an additional amount for “International Disaster
17 Assistance”, \$245,000,000, to remain available until ex-
18 pended.

19 ECONOMIC SUPPORT FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Economic Support
22 Fund”, \$2,828,000,000, to remain available until Sep-
23 tember 30, 2010: *Provided*, That of the funds appro-
24 priated under this heading, not less than \$866,000,000
25 may be made available for assistance for Afghanistan, of

1 which not less than \$100,000,000 shall be made available
2 to support programs that directly address the needs of Af-
3 ghan women and girls, including for the Afghan Inde-
4 pendent Human Rights Commission, the Afghan Ministry
5 of Women's Affairs, and for women-led nongovernmental
6 organizations: *Provided further*, That of the funds appro-
7 priated under this heading, not less than \$115,000,000
8 shall be made available for the Afghan Reconstruction
9 Trust Fund, of which not less than \$70,000,000 shall be
10 made available for the National Solidarity Program: *Pro-*
11 *vided further*, That of the funds appropriated under this
12 heading, not less than \$11,000,000 shall be made avail-
13 able for the Afghan Civilian Assistance Program: *Provided*
14 *further*, That of the funds appropriated under this head-
15 ing, not less than \$439,000,000 shall be made available
16 for assistance for Pakistan, of which not more than
17 \$215,000,000 shall be made available for economic growth
18 programs, including basic education to counter the influ-
19 ence of madrassas; not less than \$50,000,000 shall be
20 made available for assistance for internally displaced per-
21 sons; and not less than \$10,000,000 shall be made avail-
22 able for democracy programs, including to strengthen
23 democratic political parties: *Provided further*, That of the
24 funds appropriated under this heading that are available
25 for assistance for Afghanistan and Pakistan, not less than

1 \$20,000,000 shall be made available for a cross border
2 development program to be administered by the Special
3 Representative for Afghanistan and Pakistan at the De-
4 partment of State: *Provided further*, That of the funds ap-
5 propriated under this heading, not less than \$439,000,000
6 shall be made available for assistance for Iraq, of which
7 not less than \$50,000,000 shall be for the Community Ac-
8 tion Program and not less than \$10,000,000 shall be for
9 the Marla Ruzicka Iraqi War Victims Fund: *Provided fur-*
10 *ther*, That of the funds appropriated under this heading,
11 not less than \$150,000,000 shall be made available for
12 assistance for Jordan to mitigate the impact of the global
13 economic crisis, including for health, education, water and
14 sanitation, and other assistance for Iraqi and other refu-
15 gees in Jordan: *Provided further*, That of the funds appro-
16 priated under this heading, not less than \$15,000,000
17 shall be made available for assistance for Yemen; not less
18 than \$10,000,000 shall be made available for assistance
19 for Somalia; and not less than \$10,000,000 shall be made
20 available for programs and activities to assist victims of
21 gender-based violence in the Democratic Republic of the
22 Congo: *Provided further*, That funds made available pursu-
23 ant to the previous proviso shall be administered by the
24 United States Agency for International Development: *Pro-*
25 *vided further*, That none of the funds appropriated in this

1 title for democracy and civil society programs may be
2 made available for the construction of facilities in the
3 United States.

4 ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA

5 For an additional amount for “Assistance for Eu-
6 rope, Eurasia and Central Asia”, \$230,000,000, to remain
7 available until September 30, 2010, of which
8 \$200,000,000 may be made available for assistance for
9 Georgia and other Eurasian countries: *Provided*, That of
10 the funds appropriated under this heading, \$30,000,000
11 may be made available for assistance for the Kyrgyz Re-
12 public to provide a long-range air traffic control and safety
13 system to support air operations in the Kyrgyz Republic,
14 including at Manas International Airport, notwithstanding
15 any other provision of law.

16 DEPARTMENT OF STATE

17 INTERNATIONAL NARCOTICS CONTROL AND LAW

18 ENFORCEMENT

19 For an additional amount for “International Nar-
20 cotics Control and Law Enforcement”, \$393,500,000, to
21 remain available until September 30, 2010: *Provided*,
22 That of the funds appropriated under this heading, not
23 more than \$109,000,000 may be made available for assist-
24 ance for the West Bank and not more than \$66,000,000
25 may be made available for assistance for Mexico.

1 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
2 RELATED PROGRAMS

3 For an additional amount for “Nonproliferation,
4 Anti-Terrorism, Demining and Related Programs”,
5 \$102,000,000, to remain available until September 30,
6 2010: *Provided*, That of this amount, not more than
7 \$77,000,000, to remain available until expended, may be
8 made available for the Nonproliferation and Disarmament
9 Fund, notwithstanding any other provision of law, of
10 which not more than \$50,000,000 may be made available
11 to enhance security along the Gaza border: *Provided fur-*
12 *ther*, That the Secretary of State shall work assiduously
13 to facilitate the regular flow of people and licit goods in
14 and out of Gaza at established border crossings and shall
15 submit a report to the Committees on Appropriations not
16 later than 45 days after enactment of this Act, and every
17 45 days thereafter until September 30, 2010, detailing
18 progress in this effort.

19 MIGRATION AND REFUGEE ASSISTANCE

20 For an additional amount for “Migration and Ref-
21 ugee Assistance”, \$345,000,000, to remain available until
22 expended.

1 INTERNATIONAL SECURITY ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 PEACEKEEPING OPERATIONS

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Peacekeeping Oper-
6 ations”, \$172,900,000, to remain available until Sep-
7 tember 30, 2010, of which \$155,900,000 may be made
8 available to support the African Union Mission to Somalia
9 and which may be transferred to, and merged with, funds
10 appropriated under the heading “Contributions for Inter-
11 national Peacekeeping Activities” for peacekeeping in So-
12 malia: *Provided*, That of the funds appropriated under this
13 heading, \$15,000,000 shall be made available for assist-
14 ance for the Democratic Republic of the Congo and
15 \$2,000,000 shall be made available for the Multinational
16 Force and Observer mission in the Sinai.

17 INTERNATIONAL MILITARY EDUCATION AND TRAINING

18 For an additional amount for “International Military
19 Education and Training”, \$2,000,000, to remain available
20 until September 30, 2010, for assistance for Iraq.

21 FOREIGN MILITARY FINANCING PROGRAM

22 For an additional amount for “Foreign Military Fi-
23 nancing Program”, \$98,000,000, to remain available until
24 September 30, 2009, for assistance for Lebanon.

1 GENERAL PROVISIONS—THIS TITLE

2 AFGHANISTAN

3 SEC. 1101. (a) IN GENERAL.—Funds appropriated
4 under the heading “Economic Support Fund” that are
5 available for assistance for Afghanistan shall be made
6 available, to the maximum extent practicable, in a manner
7 that utilizes Afghan entities and emphasizes the participa-
8 tion of Afghan women and directly improves the security,
9 economic and social well-being, and political status, of Af-
10 ghan women and girls.

11 (b) LIMITATION ON CONTRACTS AND GRANTS.—
12 Funds appropriated under the heading “Economic Sup-
13 port Fund” that are available for assistance for Afghani-
14 stan shall not be used to initiate or make an amendment
15 to any contract, grant or cooperative agreement in an
16 amount exceeding \$10,000,000.

17 (c) ASSISTANCE FOR WOMEN AND GIRLS.—

18 (1) Of the funds appropriated under the head-
19 ing “International Narcotics Control and Law En-
20 forcement” that are available for assistance for Af-
21 ghanistan, not less than \$10,000,000 shall be made
22 available to train and support Afghan women inves-
23 tigators, police officers, prosecutors and judges with
24 responsibility for investigating, prosecuting, and

1 punishing crimes of violence against women and
2 girls.

3 (2) Of the funds appropriated under the head-
4 ing “Economic Support Fund” that are available for
5 assistance for Afghanistan, not less than \$5,000,000
6 shall be made available for capacity building for Af-
7 ghan women-led nongovernmental organizations, and
8 not less than \$25,000,000 shall be made available to
9 support programs and activities of such organiza-
10 tions, including to provide legal assistance and train-
11 ing for Afghan women and girls about their rights,
12 and to promote women’s health (including mental
13 health), education, and leadership.

14 (d) ANTICORRUPTION.—Ten percent of the funds ap-
15 propriated under the heading “International Narcotics
16 Control and Law Enforcement” that are available for as-
17 sistance for the Government of Afghanistan shall be with-
18 held from obligation until the Secretary of State reports
19 to the Committees on Appropriations that the Government
20 of Afghanistan is implementing a policy to promptly re-
21 move from office any government official who is credibly
22 alleged to have engaged in narcotics trafficking, gross vio-
23 lations of human rights, or other major crimes.

24 (e) ACQUISITION OF PROPERTY.—Not more than
25 \$10,000,000 of the funds appropriated in this title may

1 be made available to pay for the acquisition of property
2 for diplomatic facilities in Afghanistan.

3 (f) UNITED NATIONS DEVELOPMENT PROGRAM.—
4 None of the funds appropriated in this title may be made
5 available for programs and activities of the United Nations
6 Development Program (UNDP) in Afghanistan unless the
7 Secretary of State reports to the Committees on Appro-
8 priations that UNDP is fully cooperating with efforts of
9 the United States Agency for International Development
10 (USAID) to investigate expenditures by UNDP of USAID
11 funds associated with the Quick Impact Program in Af-
12 ghanistan, and has agreed to reimburse USAID, if appro-
13 priate.

14 ALLOCATIONS

15 SEC. 1102. (a) Funds appropriated in this title for
16 the following accounts shall be made available for pro-
17 grams and countries in the amounts contained in the re-
18 spective tables included in the report accompanying this
19 Act:

20 (1) “Diplomatic and Consular Programs”.

21 (2) “Embassy Security, Construction, and
22 Maintenance”.

23 (3) “Economic Support Fund”.

24 (4) “International Narcotics Control and Law
25 Enforcement”.

1 (b) For the purposes of implementing this section,
2 and only with respect to the tables included in the report
3 accompanying this Act, the Secretary of State and the Ad-
4 ministrator of the United States Agency for International
5 Development, as appropriate, may propose deviations to
6 the amounts referenced in subsection (a), subject to the
7 regular notification procedures of the Committees on Ap-
8 propriations and section 634A of the Foreign Assistance
9 Act of 1961.

10 BURMA

11 SEC. 1103. (a) Funds appropriated under the head-
12 ing “Economic Support Fund” for humanitarian assist-
13 ance for Burma may be made available notwithstanding
14 any other provision of law.

15 (b) Not later than 30 days after enactment of this
16 Act, the Secretary of State shall submit to the Committees
17 on Appropriations a report that details the findings and
18 recommendations of the Department of State’s review of
19 United States policy toward Burma.

20 EXTENSION OF AUTHORITIES

21 SEC. 1104. Funds appropriated in this title may be
22 obligated and expended notwithstanding section 10 of
23 Public Law 91–672, section 15 of the State Department
24 Basic Authorities Act of 1956, section 313 of the Foreign
25 Relations Authorization Act, Fiscal Years 1994 and 1995

1 (Public Law 103–236), and section 504(a)(1) of the Na-
2 tional Security Act of 1947 (50 U.S.C. 414(a)(1)).

3 GLOBAL FINANCIAL CRISIS

4 SEC. 1105. (a) IN GENERAL.—Of the funds appro-
5 priated under the heading “Economic Support Fund”, not
6 more than \$285,000,000 may be made available for assist-
7 ance for vulnerable populations in developing countries se-
8 verely affected by the global financial crisis: *Provided*,
9 That funds made available pursuant to this section may
10 be obligated only after the Administrator of the United
11 States Agency for International Development (USAID)
12 submits a report to the Committees on Appropriations de-
13 tailing a spending plan for each such country including
14 criteria for eligibility, proposed amounts and purposes of
15 assistance, and mechanisms for monitoring the uses of
16 such assistance, and indicating that USAID has reviewed
17 its existing programs in such country to determine re-
18 programming opportunities to increase assistance for vul-
19 nerable populations: *Provided further*, That funds made
20 available pursuant to this section shall be transferred to,
21 and merged with, the following accounts:

22 (1) Not less than \$12,000,000 for the “Devel-
23 opment Credit Authority”, for the cost of direct
24 loans and loan guarantees notwithstanding the dol-
25 lar limitations in such account on transfers to the

1 account and the principal amount of loans made or
2 guaranteed with respect to any single country or
3 borrower: *Provided*, That such transferred funds
4 may be made available to subsidize total loan prin-
5 cipal, any portion of which is to be guaranteed, of
6 up to \$3,300,000,000: *Provided further*, That the
7 authority provided in this subsection is in addition
8 to authority provided under the heading “Develop-
9 ment Credit Authority” in Public Law 111–8: *Pro-*
10 *vided further*, That and up to \$1,500,000 may be
11 made available for administrative expenses to carry
12 out credit programs administered by the United
13 States Agency for International Development; and

14 (2) Not more than \$20,000,000 for the “Over-
15 seas Private Investment Corporation Program Ac-
16 count”, notwithstanding section 708(b) of Public
17 Law 111–8: *Provided*, That such funds shall not be
18 available for administrative expenses of the Overseas
19 Private Investment Corporation.

20 (b) REPROGRAMMING AUTHORITY.—Notwith-
21 standing any other provision of law and in addition to
22 funds otherwise available for such purposes, funds appro-
23 priated under the heading “Millennium Challenge Cor-
24 poration” (MCC) in prior Acts making appropriations for
25 the Department of State, foreign operations, export fi-

1 nancing, and related programs may be transferred to, and
2 merged with, funds appropriated under the heading “Eco-
3 nomic Support Fund” that are made available pursuant
4 to this section.

5 (1) The authority contained in subsection (b)
6 may only be exercised for a country that has signed
7 a compact with the MCC or has been designated by
8 the MCC as a threshold country, and such a re-
9 programming of funds should be made, if prac-
10 ticable, prior to making available additional assist-
11 ance for such purposes.

12 (2) The MCC shall consult with the Committees
13 on Appropriations prior to exercising the authority
14 of this subsection.

15 IRAQ

16 SEC. 1106. (a) IN GENERAL.—Funds appropriated
17 in this title that are available for assistance for Iraq shall
18 be made available, to the maximum extent practicable, in
19 a manner that utilizes Iraqi entities.

20 (b) MATCHING REQUIREMENT.—Funds appropriated
21 in this title for assistance for Iraq shall be made available
22 in accordance with the Department of State’s April 9,
23 2009, “Guidelines for Government of Iraq Financial Par-
24 ticipation in United States Government-Funded Civilian
25 Foreign Assistance Programs and Projects”.

1 (c) OTHER ASSISTANCE.—Of the funds appropriated
2 in this title under the heading “Economic Support Fund”,
3 not less than \$20,000,000 shall be made available for tar-
4 geted development programs and activities in areas of con-
5 flict in Iraq, and the responsibility for policy decisions and
6 justifications for the use of such funds shall be the respon-
7 sibility of the United States Chief of Mission in Iraq.

8 PROHIBITION ON ASSISTANCE FOR HAMAS

9 SEC. 1107. (a) None of the funds appropriated in this
10 title may be made available for assistance to Hamas, or
11 any entity effectively controlled by Hamas or any power-
12 sharing government of which Hamas is a member.

13 (b) Notwithstanding the limitation of subsection (a),
14 assistance may be provided to a power-sharing government
15 only if the President certifies and reports to the Commit-
16 tees on Appropriations that such government, including all
17 of its ministers or such equivalent, has publicly accepted
18 and is complying with the principles contained in section
19 620K(b)(1)(A) and (B) of the Foreign Assistance Act of
20 1961, as amended.

21 (c) The President may exercise the authority in sec-
22 tion 620K(e) of the Foreign Assistance Act as added by
23 the Palestinian Anti-Terrorism Act of 2006 (Public Law
24 109–446) with respect to this subsection.

1 (d) Whenever the certification pursuant to subsection
2 (b) is exercised, the Secretary of State shall submit a re-
3 port to the Committees on Appropriations within 120 days
4 of the certification and every quarter thereafter on wheth-
5 er such government, including all of its ministers or such
6 equivalent, are continuing to comply with the principles
7 contained in section 620K(b)(1)(A) and (B). The report
8 shall also detail the amount, purposes and delivery mecha-
9 nisms for any assistance provided pursuant to the
10 abovementioned certification and a full accounting of any
11 direct support of such government.

12 MEXICO

13 SEC. 1108. (a) Not later than 60 days after enact-
14 ment of this Act, the Secretary of State shall submit a
15 report to the Committees on Appropriations detailing ac-
16 tions taken by the Government of Mexico since June 30,
17 2008, to investigate and prosecute violations of inter-
18 nationally recognized human rights by members of the
19 Mexican Federal police and military forces, and to support
20 a thorough, independent, and credible investigation of the
21 murder of American citizen Bradley Roland Will.

22 (b) None of the funds appropriated in this title may
23 be made available for the cost of fuel for helicopters pro-
24 vided to Mexico, or for logistical support, including oper-

1 ations and maintenance, of aircraft purchased by the Gov-
2 ernment of Mexico.

3 (c) In order to enhance border security and coopera-
4 tion in law enforcement efforts between Mexico and the
5 United States, funds appropriated in this title that are
6 available for assistance for Mexico may be made available
7 for the procurement of law enforcement communications
8 equipment only if such equipment utilizes open standards
9 and is compatible with, and capable of operating with,
10 radio communications systems and related equipment uti-
11 lized by Federal law enforcement agencies in the United
12 States to enhance border security and cooperation in law
13 enforcement efforts between Mexico and the United
14 States.

15 MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

16 SEC. 1109. (a) INTERNATIONAL DEVELOPMENT AS-
17 SOCIATION.—The International Development Association
18 Act (22 U.S.C. 284 et seq.) is amended by adding at the
19 end thereof the following:

20 **“SEC. 24. FIFTEENTH REPLENISHMENT.**

21 “(a) The United States Governor of the International
22 Development Association is authorized to contribute on
23 behalf of the United States \$3,705,000,000 to the fif-
24 teenth replenishment of the resources of the Association,
25 subject to obtaining the necessary appropriations.

1 “(b) In order to pay for the United States contribu-
2 tion provided for in subsection (a), there are authorized
3 to be appropriated, without fiscal year limitation,
4 \$3,705,000,000 for payment by the Secretary of the
5 Treasury.

6 **“SEC. 25. MULTILATERAL DEBT RELIEF.**

7 “(a) The Secretary of the Treasury is authorized to
8 contribute, on behalf of the United States, not more than
9 \$356,000,000 to the International Development Associa-
10 tion for the purpose of funding debt relief under the Multi-
11 lateral Debt Relief Initiative in the period governed by the
12 fifteenth replenishment of resources of the International
13 Development Association, subject to obtaining the nec-
14 essary appropriations and without prejudice to any fund-
15 ing arrangements in existence on the date of the enact-
16 ment of this section.

17 “(b) In order to pay for the United States contribu-
18 tion provided for in subsection (a), there are authorized
19 to be appropriated, without fiscal year limitation, not more
20 than \$356,000,000 for payment by the Secretary of the
21 Treasury.

22 “(c) In this section, the term ‘Multilateral Debt Re-
23 lief Initiative’ means the proposal set out in the G8 Fi-
24 nance Ministers’ Communique entitled ‘Conclusions on
25 Development,’ done at London, June 11, 2005, and re-

1 affirmed by G8 Heads of State at the Gleneagles Summit
2 on July 8, 2005.”.

3 (b) AFRICAN DEVELOPMENT FUND.—The African
4 Development Fund Act (22 U.S.C. 290 et seq.) is amend-
5 ed by adding at the end thereof the following:

6 **“SEC. 219. ELEVENTH REPLENISHMENT.**

7 “(a) The United States Governor of the Fund is au-
8 thorized to contribute on behalf of the United States
9 \$468,165,000 to the eleventh replenishment of the re-
10 sources of the Fund, subject to obtaining the necessary
11 appropriations.

12 “(b) In order to pay for the United States contribu-
13 tion provided for in subsection (a), there are authorized
14 to be appropriated, without fiscal year limitation,
15 \$468,165,000 for payment by the Secretary of the Treas-
16 ury.

17 **“SEC. 220. MULTILATERAL DEBT RELIEF INITIATIVE.**

18 “(a) The Secretary of the Treasury is authorized to
19 contribute, on behalf of the United States, not more than
20 \$26,000,000 to the African Development Fund for the
21 purpose of funding debt relief under the Multilateral Debt
22 Relief Initiative in the period governed by the eleventh re-
23 plenishment of resources of the African Development
24 Fund, subject to obtaining the necessary appropriations

1 and without prejudice to any funding arrangements in ex-
2 istence on the date of the enactment of this section.

3 “(b) In order to pay for the United States contribu-
4 tion provided for in subsection (a), there are authorized
5 to be appropriated, without fiscal year limitation, not more
6 than \$26,000,000 for payment by the Secretary of the
7 Treasury.”.

8 PROMOTION OF POLICY GOALS AT THE WORLD BANK
9 GROUP

10 SEC. 1110. Title XVI of the International Financial
11 Institutions Act (22 U.S.C. 262p et seq.) is amended by
12 adding at the end thereof the following:

13 **“SEC. 1626. REFORM OF THE ‘DOING BUSINESS’ REPORT OF**
14 **THE WORLD BANK.**

15 “(a) The Secretary of the Treasury shall instruct the
16 United States Executive Directors at the International
17 Bank for Reconstruction and Development, the Inter-
18 national Development Association, and the International
19 Finance Corporation of the following United States policy
20 goals, and to use the voice and vote of the United States
21 to actively promote and work to achieve these goals:

22 “(1) Suspension of the use of the ‘Employing
23 Workers’ Indicator for the purpose of ranking or
24 scoring country performance in the annual Doing
25 Business Report of the World Bank until a set of in-

1 indicators can be devised that fairly represent the
2 value of internationally recognized workers' rights,
3 including core labor standards, in creating a stable
4 and favorable environment for attracting private in-
5 vestment. The indicators shall bring to bear the ex-
6 periences of the member governments in dealing
7 with the economic, social and political complexity of
8 labor market issues. The indicators should be devel-
9 oped through collaborative discussions with and be-
10 tween the World Bank, the International Finance
11 Corporation, the International Labor Organization,
12 private companies, and labor unions.

13 “(2) Elimination of the ‘Labor Tax and Social
14 Contributions’ Subindicator from the annual Doing
15 Business Report of the World Bank.

16 “(3) Removal of the ‘Employing Workers’ Indi-
17 cator as a ‘guidepost’ for calculating the annual
18 Country Policy and Institutional Assessment score
19 for each recipient country.

20 “(b) Within 60 days after the date of the enactment
21 of this section, the Secretary of the Treasury shall provide
22 an instruction to the United States Executive Directors
23 referred to in subsection (a) to take appropriate actions
24 with respect to implementing the policy goals of the
25 United States set forth in subsection (a), and such in-

1 instruction shall be posted on the website of the Department
2 of the Treasury.

3 **“SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFEC-**
4 **TIVENESS OF THE INSPECTION PANEL PROC-**
5 **ESS OF THE WORLD BANK.**

6 “(a) ENHANCING TRANSPARENCY IN IMPLEMENTA-
7 TION OF MANAGEMENT ACTION PLANS.—The Secretary
8 of the Treasury shall direct the United States Executive
9 Directors at the World Bank to seek to ensure that World
10 Bank Procedure 17.55, which establishes the operating
11 procedures of Management with regard to the Inspection
12 Panel, provides that Management prepare and make avail-
13 able to the public semiannual progress reports describing
14 implementation of Action Plans considered by the Board;
15 allow and receive comments from Requesters and other
16 Affected Parties for two months after the date of disclo-
17 sure of the progress reports; post these comments on
18 World Bank and Inspection Panel websites (after receiving
19 permission from the requestors to post with or without
20 attribution); submit the reports to the Board with any
21 comments received; and make public the substance of any
22 actions taken by the Board after Board consideration of
23 the reports.

24 “(b) SAFEGUARDING THE INDEPENDENCE AND EF-
25 FECTIVENESS OF THE INSPECTION PANEL.—The Sec-

1 **“SEC. 1308. CLIMATE CHANGE MITIGATION AND GREEN-**
2 **HOUSE GAS ACCOUNTING.**

3 “(a) USE OF GREENHOUSE GAS ACCOUNTING.—The
4 Secretary of the Treasury shall seek to ensure that multi-
5 lateral development banks (as defined in section
6 1701(c)(4) of this Act) adopt and implement greenhouse
7 gas accounting in analyzing the benefits and costs of indi-
8 vidual projects (excluding those with de minimus green-
9 house gas emissions) for which funding is sought from the
10 bank.

11 “(b) EXPANSION OF CLIMATE CHANGE MITIGATION
12 ACTIVITIES.—The Secretary of the Treasury shall work
13 to ensure that the multilateral development banks (as de-
14 fined in section 1701(c)(4)) expand their activities sup-
15 porting climate change mitigation by—

16 “(1) significantly expanding support for invest-
17 ments in energy efficiency and renewable energy, in-
18 cluding zero carbon technologies;

19 “(2) reviewing all proposed infrastructure in-
20 vestments to ensure that all opportunities for inte-
21 grating energy efficiency measures have been consid-
22 ered;

23 “(3) increasing the dialogue with the govern-
24 ments of developing countries regarding—

1 “(A) analysis and policy measures needed
2 for low carbon emission economic development;
3 and

4 “(B) reforms needed to promote private
5 sector investments in energy efficiency and re-
6 newable energy, including zero carbon tech-
7 nologies; and

8 “(4) integrate low carbon emission economic de-
9 velopment objectives into multilateral development
10 bank country strategies.

11 “(c) REPORT TO CONGRESS.—Not later than 1 year
12 after the date of the enactment of this section, and annu-
13 ally thereafter, the Secretary of the Treasury shall submit
14 a report on the status of efforts to implement this section
15 to the Committee on Foreign Relations and the Committee
16 on Appropriations of the Senate and the Committee on
17 Financial Services and the Committee on Appropriations
18 of the House of Representatives.”.

19 MULTILATERAL DEVELOPMENT BANK REFORM

20 SEC. 1112. (a) BUDGET DISCLOSURE.—The Sec-
21 retary of the Treasury shall seek to ensure that the multi-
22 lateral development banks make timely, public disclosure
23 of their operating budgets including expenses for staff,
24 consultants, travel and facilities.

1 (b) EVALUATION.—The Secretary of the Treasury
2 shall seek to ensure that multilateral development banks
3 rigorously evaluate the development impact of selected
4 bank projects, programs, and financing operations, and
5 emphasize use of random assignment in conducting such
6 evaluations, where appropriate and to the extent feasible.

7 (c) EXTRACTIVE INDUSTRIES.—The Secretary of the
8 Treasury shall direct the United States Executive Direc-
9 tors at the multilateral development banks to promote the
10 endorsement of the Extractive Industry Transparency Ini-
11 tiative (EITI) by these institutions and the integration of
12 the principles of the EITI into extractive industry-related
13 projects that are funded by the multilateral development
14 banks.

15 (d) REPORT.—Not later than September 30, 2009,
16 the Secretary of the Treasury shall submit a report to the
17 Committee on Appropriations and the Committee on For-
18 eign Relations of the Senate, and the Committee on Ap-
19 propriations and the Committee on Foreign Affairs of the
20 House, detailing actions taken by the multilateral develop-
21 ment banks to achieve the objectives of this section.

22 (e) COORDINATION OF DEVELOPMENT POLICY.—The
23 Secretary of the Treasury shall coordinate the formulation
24 and implementation of United States policy relating to the
25 development activities of the World Bank Group with the

1 Secretary of State, the Administrator of the United States
2 Agency for International Development, and other Federal
3 agencies, as appropriate.

4 OVERSEAS COMPARABILITY PAY ADJUSTMENT

5 SEC. 1113. (a) Subject to such regulations prescribed
6 by the Secretary of State, including with respect to phase-
7 in schedule and treatment as basic pay, and notwith-
8 standing any other provision of law, funds appropriated
9 for this fiscal year in this or any other Act may be used
10 to pay an eligible member of the Foreign Service as de-
11 fined in subsection (b) of this section a locality-based com-
12 parability payment (stated as a percentage) up to the
13 amount of the locality-based comparability payment (stat-
14 ed as a percentage) that would be payable to such member
15 under section 5304 of title 5, United States Code if such
16 member's official duty station were in the District of Co-
17 lumbia.

18 (b) A member of the Service shall be eligible for a
19 payment under this section only if the member is des-
20 ignated class 1 or below for purposes of section 403 of
21 the Foreign Service Act of 1980 (22 U.S.C. 3963) and
22 the member's official duty station is not in the continental
23 United States or in a non-foreign area, as defined in sec-
24 tion 591.205 of title 5, Code of Federal Regulations.

1 (c) The amount of any locality-based comparability
2 payment that is paid to a member of the Foreign Service
3 under this section shall be subject to any limitations on
4 pay applicable to locality-based comparability payments
5 under section 5304 of title 5, United States Code.

6 ASSESSMENT ON AFGHANISTAN AND PAKISTAN

7 SEC. 1114. (a) FINDING.—The Congress supports
8 economic and security assistance for Afghanistan and
9 Pakistan, but long-term stability and security in those
10 countries is tied more to the capacity and conduct of the
11 Afghan and Pakistani governments and the resolve of both
12 societies for peace and stability, to include combating ex-
13 tremist networks, than it is to the policies of the United
14 States.

15 (b) REPORT.—The President shall submit a report
16 to the appropriate congressional committees, not later
17 than 90 days after the date of enactment of this Act and
18 every 6 months thereafter until September 30, 2010, in
19 classified form if necessary, assessing the extent to which
20 the Afghan and Pakistani governments are demonstrating
21 the necessary commitment, capability, conduct and unity
22 of purpose to warrant the continuation of the President’s
23 policy announced on March 27, 2009, to include:

24 (1) The level of political consensus and unity of
25 purpose across ethnic, tribal, religious and political

1 party affiliations to confront the political and secu-
2 rity challenges facing the region;

3 (2) The level of official corruption that under-
4 mines such political consensus and unity of purpose,
5 and actions taken to eliminate it;

6 (3) The actions taken by the respective security
7 forces and appropriate government entities in devel-
8 oping a counterinsurgency capability, conducting
9 counterinsurgency operations, and establishing secu-
10 rity and governance on the ground;

11 (4) The actions taken by the respective intel-
12 ligence agencies in cooperating with the United
13 States on counterinsurgency and counterterrorism
14 operations and in terminating policies and programs,
15 and removing personnel, that provide material sup-
16 port to extremist networks that target United States
17 troops or undermine United States objectives in the
18 region;

19 (5) The ability of the Afghan and Pakistani
20 governments to effectively control and govern the
21 territory within their respective borders; and

22 (6) The ways in which United States Govern-
23 ment assistance contributed, or failed to contribute,
24 to achieving the goals outlined above.

1 (c) POLICY ASSESSMENT.—The President, on the
2 basis of information gathered and coordinated by the Na-
3 tional Security Council, shall advise the Congress on how
4 such assessment requires, or does not require, changes to
5 such policy.

6 (d) DEFINITION.—For purposes of this section, “ap-
7 propriate congressional committees” means the Commit-
8 tees on Appropriations, Foreign Relations and Armed
9 Services of the Senate, and the Committees on Appropria-
10 tions, Foreign Affairs and Armed Services of the House
11 of Representatives.

12 ASSISTANCE FOR PAKISTAN

13 SEC. 1115. (a) FINDINGS.—

14 (1) The United States and the international
15 community have welcomed and supported Pakistan’s
16 return to civilian rule since the democratic elections
17 of February 18, 2008;

18 (2) Since 2001, the United States has provided
19 more than \$12,000,000,000 in economic and secu-
20 rity assistance to Pakistan;

21 (3) Afghanistan and Pakistan are facing grave
22 threats to their internal security from a growing in-
23 surgency fueled by al Qaeda, the Taliban and other
24 violent extremist groups operating in areas along the
25 Afghanistan-Pakistan border; and

1 (4) The United States is committed to sup-
2 porting vigorous efforts by the Government of Paki-
3 stan to secure Pakistan’s western border and
4 counter violent extremism, expand government serv-
5 ices, support economic development, combat corrup-
6 tion and uphold the rule of law in such areas.

7 (b) REPORT.—Not later than 90 days after enact-
8 ment of this Act, the Secretary of State shall submit a
9 report, in classified form if necessary, to the Committees
10 on Appropriations detailing—

11 (1) a spending plan for the proposed uses of
12 funds appropriated in this title under the headings
13 “Economic Support Fund” and “International Nar-
14 cotics Control and Law Enforcement” that are avail-
15 able for assistance for Pakistan including amounts,
16 the purposes for which funds are to be made avail-
17 able, and intended results;

18 (2) the actions to be taken by the United States
19 and the Government of Pakistan relating to such as-
20 sistance;

21 (3) the metrics for measuring progress in
22 achieving such results; and

23 (4) the mechanisms for monitoring such funds.

SPECIAL AUTHORITY

1
2 SEC. 1116. (a) Notwithstanding any other provision
3 of law, funds appropriated under the headings “Global
4 HIV/AIDS Initiative” or “Global Health and Child Sur-
5 vival” in prior Acts making appropriations for the Depart-
6 ment of State, foreign operations, export financing and re-
7 lated programs for assistance for Kenya to carry out the
8 President’s Emergency Plan for AIDS Relief may be
9 transferred to, and merged with, funds made available
10 under the heading “Economic Support Fund” to respond
11 to instability in Kenya arising from conflict or civil strife.

12 (b) The Secretary of State shall consult with the
13 Committees on Appropriations prior to exercising the au-
14 thority of this section.

SPENDING PLAN AND NOTIFICATION PROCEDURES

15
16 SEC. 1117. (a) SPENDING PLAN.—Not later than 45
17 days after the enactment of this Act, the Secretary of
18 State, in consultation with the Administrator of the
19 United States Agency for International Development, shall
20 submit to the Committees on Appropriations a report de-
21 tailing planned expenditures for funds appropriated in this
22 title, except for funds appropriated under the headings
23 “International Disaster Assistance” and “Migration and
24 Refugee Assistance”.

1 (b) NOTIFICATION.—Funds appropriated in this title,
2 with the exception of funds appropriated under the head-
3 ings “International Disaster Assistance” and “Migration
4 and Refugee Assistance”, shall be subject to the regular
5 notification procedures of the Committees on Appropria-
6 tions and section 634A of the Foreign Assistance Act of
7 1961.

8 TECHNICAL PROVISIONS

9 SEC. 1118. (a) MODIFICATIONS.—The funding limi-
10 tation in section 7046(a) of Public Law 111–8 shall not
11 apply to funds made available for assistance for Colombia
12 through the United States Agency for International Devel-
13 opment’s Office of Transition Initiatives: *Provided*, That
14 title III of division H of Public Law 111–8 is amended
15 under the heading “Economic Support Fund” in the sec-
16 ond proviso by striking “up to \$20,000,000” and inserting
17 “not less than \$20,000,000”.

18 (b) NOTIFICATION REQUIREMENT.—Funds appro-
19 priated by this Act that are transferred to the Department
20 of State or the United States Agency for International De-
21 velopment shall be subject to the regular notification pro-
22 cedures of the Committees on Appropriations, notwith-
23 standing any other provision of law.

24 (c) AUTHORITY.—Funds appropriated in this title,
25 and subsequent and prior acts appropriating funds for De-

1 partment of State, Foreign Operations, and Related Pro-
2 grams and under the heading “Public Law 480 Title II
3 Grants” in this, subsequent, and prior Acts appropriating
4 funds for Agriculture, Rural Development, Food and Drug
5 Administration, and Related Agencies, shall be made
6 available notwithstanding the requirements of and amend-
7 ments made by section 3511 of Public Law 110–417.

8 (d) REEMPLOYMENT OF ANNUITANTS.—

9 (1) Section 824 of the Foreign Service Act of
10 1980 (22 U.S.C. 4064) is amended in subsection
11 (g)(1)(B) by inserting “, Pakistan,” after “Iraq”
12 each place it appears; by inserting “to positions in
13 the Response Readiness Corps,” before “or to posts
14 vacated”; and, in subsection (g)(2) by striking
15 “2009” and inserting instead “2012”.

16 (2) Section 61 of the State Department Basic
17 Authorities Act of 1956 (22 U.S.C. 2733) is amend-
18 ed in subsection (a)(1) by adding “, Pakistan,” after
19 “Iraq” each place it appears; by inserting “, to posi-
20 tions in the Response Readiness Corps,” before “or
21 to posts vacated”; and, in subsection (a)(2) by strik-
22 ing “2008” and inserting instead “2012”.

23 (3) Section 625 of the Foreign Assistance Act
24 of 1961 (22 U.S.C. 2385) is amended in subsection
25 (j)(1)(A) by adding “, Pakistan,” after “Iraq” each

1 place it appears; by inserting “, to positions in the
2 Response Readiness Corps,” before “or to posts va-
3 cated”; and, in subsection (J)(1)(B) by striking
4 “2008” and inserting instead “2012”.

5 (e) INCENTIVES FOR CRITICAL POSTS.—Notwith-
6 standing sections 5753(a)(2)(A) and 5754(a)(2)(A) of
7 title 5, United States Code, appropriations made available
8 by this or any other Act may be used to pay recruitment,
9 relocation, and retention bonuses under chapter 57 of title
10 5, United States Code to members of the Foreign Service,
11 other than chiefs of mission and ambassadors at large,
12 who are on official duty in Iraq, Afghanistan, or Pakistan.
13 This authority shall terminate on October 1, 2012.

14 (f) Of the funds appropriated under the heading
15 “Foreign Military Financing Program” in Public Law
16 110–161 that are available for assistance for Colombia,
17 \$500,000 may be transferred to, and merged with, funds
18 appropriated under the heading “International Narcotics
19 Control and Law Enforcement” to provide medical and re-
20 habilitation assistance for members of Colombian security
21 forces who have suffered severe injuries.

22 TERMS AND CONDITIONS

23 SEC. 1119. Unless otherwise provided for in this Act,
24 funds appropriated or otherwise made available in this
25 title shall be available under the authorities and conditions

1 provided in the Department of State, Foreign Operations,
2 and Related Programs Appropriations Act, 2009 (division
3 H of Public Law 111–8), except that sections 7042(a) and
4 (c) and 7070(e)(2) of such Act shall not apply to such
5 funds.

6 OVERSEAS DEPLOYMENTS

7 SEC. 1120. Each amount in this title is designated
8 as being for overseas deployments and other activities pur-
9 suant to sections 401(c)(4) and 423(a) of S. Con. Res.
10 13 (111th Congress), the concurrent resolution on the
11 budget for fiscal year 2010.

12 TITLE XII

13 DEPARTMENT OF TRANSPORTATION

14 OFFICE OF THE SECRETARY

15 PAYMENTS TO AIR CARRIERS

16 (AIRPORT AND AIRWAY TRUST FUND)

17 In addition to funds made available under Public Law
18 111–8 and funds authorized under subsection 41742(a)(1)
19 of title 49, United States Code, to carry out the essential
20 air service program, to be derived from the Airport and
21 Airway Trust Fund, \$13,200,000, to remain available
22 until expended.

1 FEDERAL AVIATION ADMINISTRATION
2 GRANTS-IN-AID FOR AIRPORTS
3 (AIRPORT AND AIRWAY TRUST FUND)
4 (RESCISSION)

5 Of the amounts authorized under sections 48103 and
6 48112 of title 49, United States Code, \$13,200,000 are
7 permanently rescinded from amounts authorized for the
8 fiscal year ending September 30, 2008.

9 GENERAL PROVISIONS—THIS TITLE

10 SEC. 1201. Section 1937 of Public Law 109–59 (119
11 Stat. 1144, 1510) is amended—

12 (1) in paragraph (1) by striking “expenditures”
13 each place that it appears and inserting “alloca-
14 tions”; and

15 (2) in paragraph (2) by striking “expenditure”
16 and inserting “allocation”.

17 SEC. 1202. A recipient and subrecipient of funds ap-
18 propriated in Public Law 111–5 and apportioned pursuant
19 to section 5311 and section 5336 (other than subsection
20 (i)(1) and (j)) of title 49, United States Code, may use
21 up to 10 percent of the amount apportioned for the oper-
22 ating costs of equipment and facilities for use in public
23 transportation: *Provided*, That a grant obligating such
24 funds prior to the date of the enactment of this Act may
25 be amended to allow a recipient and subrecipient to use

1 the funds made available for operating assistance: *Pro-*
2 *vided further*, That such funds are designated as an emer-
3 gency requirement pursuant to section 403 of S. Con. Res.
4 13 (111th Congress), the concurrent resolution on the
5 budget for fiscal year 2010.

6 SEC. 1203. Public Law 110–329, under the heading
7 “Project-Based Rental Assistance”, is amended by strik-
8 ing “project-based vouchers” and all that follows up to
9 the period and inserting “activities and assistance for the
10 provision of tenant-based rental assistance, including re-
11 lated administrative expenses, as authorized under the
12 United States Housing Act of 1937, as amended (42
13 U.S.C. 1437 et seq.), \$80,000,000, to remain available
14 until expended: *Provided*, That such funds shall be made
15 available within 60 days of the enactment of this Act: *Pro-*
16 *vided further*, That in carrying out the activities author-
17 ized under this heading, the Secretary shall waive section
18 (o)(13)(B) of the United States Housing Act of 1937 (42
19 U.S.C. 1437f(o)(13)(B))”: *Provided*, That such additional
20 funds are designated as an emergency requirement pursu-
21 ant to section 403 of S. Con. Res. 13 (111th Congress),
22 the concurrent resolution on the budget for fiscal year
23 2010.

24 SEC. 1204. Public Law 111–5 is amended by striking
25 the second proviso under the heading “HOME Investment

1 Partnerships Program” and inserting “*Provided further,*
 2 That the housing credit agencies in each State shall dis-
 3 tribute these funds competitively under this heading and
 4 pursuant to their qualified allocation plan (as defined in
 5 section 42(m) of the Internal Revenue Code of 1986) to
 6 owners of projects who have received or receive simulta-
 7 neously an award of low-income housing tax credits under
 8 sections 42(h) and 1400N of the Internal Revenue Code
 9 of 1986:”.

10 TITLE XIII

11 OTHER MATTERS

12 INTERNATIONAL ASSISTANCE PROGRAMS

13 INTERNATIONAL MONETARY PROGRAMS

14 UNITED STATES QUOTA, INTERNATIONAL MONETARY
 15 FUND

16 For an increase in the United States quota in the
 17 International Monetary Fund, the dollar equivalent of
 18 4,973,100,000 Special Drawing Rights, to remain avail-
 19 able until expended: *Provided,* That the cost of the
 20 amounts provided herein shall be determined as provided
 21 under the Federal Credit Reform Act of 1990 (2 U.S.C.
 22 661 et. seq.): *Provided further,* That for purposes of sec-
 23 tion 502(5) of the Federal Credit Reform Act of 1990,
 24 the discount rate in section 502(5)(E) shall be adjusted
 25 for market risks: *Provided further,* That section 504(b) of

1 the Federal Credit Reform Act of 1990 (2 U.S.C. 661e(b))
2 shall not apply.

3 LOANS TO INTERNATIONAL MONETARY FUND

4 For loans to the International Monetary Fund under
5 section 17(a)(ii) and (b)(ii) of the Bretton Woods Agree-
6 ments Act (Public Law 87-490, 22 U.S.C. 286e-2), as
7 amended by this Act pursuant to the New Arrangements
8 to Borrow, the dollar equivalent of up to 75,000,000,000
9 Special Drawing Rights, to remain available until ex-
10 pended, in addition to any amounts previously appro-
11 priated under section 17 of such Act: *Provided*, That if
12 the United States agrees to an expansion of its credit ar-
13 rangement in an amount less than the dollar equivalent
14 of 75,000,000,000 Special Drawing Rights, any amount
15 over the United States' agreement shall not be available
16 until further appropriated: *Provided further*, That the cost
17 of the amounts provided herein shall be determined as pro-
18 vided under the Federal Credit Reform Act of 1990 (2
19 U.S.C. 661 et. seq.): *Provided further*, That for purposes
20 of section 502(5) of the Federal Credit Reform Act of
21 1990, the discount rate in section 502(5)(E) shall be ad-
22 justed for market risks: *Provided further*, That section
23 504(b) of the Federal Credit Reform Act of 1990 (2
24 U.S.C. 661e(b)) shall not apply.

1 GENERAL PROVISIONS—INTERNATIONAL
2 ASSISTANCE PROGRAMS

3 SEC. 1301. Section 17 of the Bretton Woods Agree-
4 ments Act (22 U.S.C. 286e–2) is amended—

5 (1) in subsection (a)—

6 (A) by inserting “(1)” before “In order
7 to”; and

8 (B) by adding at the end the following:

9 “(2) In order to carry out the purposes of a de-
10 cision of the Executive Directors of the International
11 Monetary Fund to expand the resources of and
12 make other amendments to the New Arrangements
13 to Borrow, which was established pursuant to the
14 decision of January 27, 1997 referred to in para-
15 graph (1) above, the Secretary of the Treasury is
16 authorized to instruct the United States Executive
17 Director to consent to such amendments, notwith-
18 standing subsection (d) of this section, and to make
19 loans, in an amount not to exceed the dollar equiva-
20 lent of 75,000,000,000 Special Drawing Rights, in
21 addition to any amounts previously authorized under
22 this section and limited to such amounts as are pro-
23 vided in advance in appropriations Acts, except that
24 prior to activation, the Secretary of the Treasury
25 shall report to Congress as to whether supple-

1 mentary resources are needed to forestall or cope
2 with an impairment of the international monetary
3 system and whether the Fund has fully explored
4 other means of funding, to the Fund under article
5 VII, section 1(i), of the Articles of Agreement of the
6 Fund. Any loan under the authority granted in this
7 subsection shall be made with due regard to the
8 present and prospective balance of payments and re-
9 serve position of the United States.”; and

10 (2) in subsection (b)—

11 (A) by inserting “(1)” before “For the
12 purpose of”;

13 (B) by inserting “subsection (a)(1) of”
14 “after pursuant to”; and

15 (C) by adding at the end the following:

16 “(2) For the purpose of making loans to the
17 International Monetary Fund pursuant to subsection
18 (a)(2) of this section, there is hereby authorized to
19 be appropriated not to exceed the dollar equivalent
20 of 75,000,000,000 Special Drawing Rights, in addi-
21 tion to any amounts previously authorized under this
22 section, except that prior to activation, the Secretary
23 of the Treasury shall report to Congress as to
24 whether supplementary resources are needed to fore-
25 stall or cope with an impairment of the international

1 monetary system and whether the Fund has fully ex-
2 plored other means of funding, to remain available
3 until expended to meet calls by the International
4 Monetary Fund. Any payments made to the United
5 States by the International Monetary Fund as a re-
6 payment on account of the principal of a loan made
7 under this section shall continue to be available for
8 loans to the International Monetary Fund.”.

9 SEC. 1302. The Bretton Woods Agreements Act (22
10 U.S.C. 286 et seq.) is amended by adding at the end the
11 following:

12 **“SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTI-**
13 **CLES OF AGREEMENT OF THE FUND.**

14 “The United States Governor of the Fund may agree
15 to and accept the amendments to the Articles of Agree-
16 ment of the Fund as proposed in the resolutions numbered
17 63–2 and 63–3 of the Board of Governors of the Fund
18 which were approved by such Board on April 28, 2008
19 and May 5, 2008, respectively.

20 **“SEC. 65. QUOTA INCREASE.**

21 “(a) IN GENERAL.—The United States Governor of
22 the Fund may consent to an increase in the quota of the
23 United States in the Fund equivalent to 4,973,100,000
24 Special Drawing Rights.

1 “(b) SUBJECT TO APPROPRIATIONS.—The authority
2 provided by subsection (a) shall be effective only to such
3 extent or in such amounts as are provided in advance in
4 appropriations Acts.

5 **“SEC. 66. APPROVAL TO SELL A LIMITED AMOUNT OF THE**
6 **FUND’S GOLD.**

7 “The Secretary of the Treasury is authorized to in-
8 struct the United States Executive Director of the Fund
9 to vote to approve the sale of up to 12,965,649 ounces
10 of the Fund’s gold acquired since the second Amendment
11 of the Fund’s Articles of Agreement in April 1978, only
12 if such sales are consistent with the guidelines agreed to
13 by the Executive Board of the Fund described in the Re-
14 port of the Managing Director to the International Mone-
15 tary and Financial Committee on a New Income and Ex-
16 penditure Framework for the International Monetary
17 Fund (April 9, 2008) to prevent disruption to the world
18 gold market. In addition to agreeing to and accepting the
19 amendments referred to in section 64 of this act relating
20 to the use of proceeds from the sale of such gold, the U.S.
21 Governor is authorized to take such actions as may be nec-
22 essary, including those referred to in section 5(e) of this
23 act, to also use such proceeds for the purpose of assisting
24 low-income countries, only after the Secretary of the
25 Treasury has consulted with the chairman and ranking

1 minority member of the Committee on Foreign Relations
2 and the Committee on Banking, Housing, and Urban Af-
3 fairs of the Senate and the Committee on Financial Serv-
4 ices of the House of Representatives, and the appropriate
5 subcommittees thereof, at least 60 days prior to any au-
6 thorization by the United States Executive Director of dis-
7 tribution of gold sale proceeds.

8 **“SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES**
9 **OF AGREEMENT OF THE FUND.**

10 “The United States Governor of the Fund may agree
11 to and accept the amendment to the Articles of Agreement
12 of the Fund as proposed in the resolution numbered 54-
13 4 of the Board of Governors of the Fund which was ap-
14 proved by such Board on October 22, 1997.”.

15 SEC. 1303. (a) Not later than 30 days after enact-
16 ment of this Act, the Secretary of the Treasury, in con-
17 sultation with the Executive Director of the World Bank
18 and the Executive Board of the International Monetary
19 Fund (IMF), shall submit a report to the appropriate con-
20 gressional committees detailing the steps taken to coordi-
21 nate the activities of the World Bank and the IMF to
22 avoid duplication of missions and programs, and steps
23 taken by the Department of the Treasury and the IMF
24 to increase the oversight and accountability of IMF activi-
25 ties.

1 (b) For the purposes of this section, the “appropriate
2 congressional committees” means the Committees on Ap-
3 propriations, Banking, Housing, and Urban Affairs, and
4 Foreign Relations of the Senate, and the Committees on
5 Appropriations, Foreign Affairs, and Ways and Means of
6 the House of Representatives.

7 (c) In the next report to Congress on international
8 economic and exchange rate policies, the Secretary of the
9 Treasury shall: (1) report on ways in which the IMF’s sur-
10 veillance function under Article IV could be enhanced and
11 made more effective in terms of avoiding currency manipu-
12 lation; (2) report on the feasibility and usefulness of pub-
13 lishing the IMF’s internal calculations of indicative ex-
14 change rates; and (3) provide recommendations on the
15 steps that the IMF can take to promote global financial
16 stability and conduct effective multilateral surveillance.

17 SEC. 1304. Each amount in this title is designated
18 as being for overseas deployments and other activities pur-
19 suant to sections 401(c)(4) and 423(a) of S. Con. Res.
20 13 (111th Congress), the concurrent resolution on the
21 budget for fiscal year 2010.

1 GENERAL PROVISION—THIS ACT

2 AVAILABILITY OF FUNDS

3 SEC. 1305. No part of any appropriation contained
4 in this Act shall remain available for obligation beyond
5 the current fiscal year unless expressly so provided herein.

6 This Act may be cited as the “Supplemental Appro-
7 priations Act, 2009”.

Calendar No. 62

111TH CONGRESS
1ST Session

S. 1054

[Report No. 111-20]

A BILL

Making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

MAY 14, 2009

Read twice and placed on the calendar