

In the Senate of the United States,

May 21, 2009.

Resolved, That the bill from the House of Representatives (H.R. 2346) entitled “An Act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert the following:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 2009, and for other pur-*
4 *poses, namely:*

5

TITLE I

6

DEPARTMENT OF AGRICULTURE

7

FOREIGN AGRICULTURAL SERVICE

8

PUBLIC LAW 480 TITLE II GRANTS

9

10 *For an additional amount for “Public Law 480 Title II Grants”, \$700,000,000, to remain available until ex-*

1 *pending: Provided, That the amount under this heading is*
2 *designated as being for overseas deployments and other ac-*
3 *tivities pursuant to sections 401(c)(4) and 423(a) of S. Con.*
4 *Res. 13 (111th Congress), the concurrent resolution on the*
5 *budget for fiscal year 2010.*

6 **GENERAL PROVISION—THIS TITLE**

7 *SEC. 101. Notwithstanding any other provision of law,*
8 *any amounts made available prior to the date of enactment*
9 *of this Act to provide assistance under the emergency con-*
10 *servation program established under title IV of the Agricul-*
11 *tural Credit Act of 1978 (16 U.S.C. 2201 and 2202) that*
12 *are unobligated as of the date of enactment of this Act shall*
13 *be available to carry out any purpose under that program*
14 *without fiscal year limitation: Provided, That the amount*
15 *under this heading is designated as an emergency require-*
16 *ment and necessary to meet emergency needs pursuant to*
17 *sections 403(a) and 423(b) of S. Con. Res. 13 (111th Con-*
18 *gress), the concurrent resolution on the budget for fiscal year*
19 *2010.*

20 **(INCLUDING RESCISSION OF FUNDS)**

21 *SEC. 102. (a)(1) For an additional amount for gross*
22 *obligations for the principal amount of direct farm owner-*
23 *ship (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941*
24 *et seq.) loans, to be available from funds in the Agricultural*
25 *Credit Insurance Fund, as follows: direct farm ownership*

1 loans, \$360,000,000; and direct operating loans,
2 \$225,000,000.

3 (2) For an additional amount for the cost of direct
4 loans, including the cost of modifying loans as defined in
5 section 502 of the Congressional Budget Act of 1974, as fol-
6 lows: direct farm ownership loans, \$22,860,000; and direct
7 operating loans, \$26,530,000.

8 (b) Of available unobligated discretionary balances
9 from the Rural Development mission area carried forward
10 from fiscal year 2008, \$49,390,000 are hereby rescinded:
11 Provided, That none of the amounts may be rescinded other
12 than those from amounts that were designated by the Con-
13 gress as an emergency requirement pursuant to a Concur-
14 rent Resolution on the Budget or the Balanced Budget and
15 Emergency Deficit Control Act of 1985, as amended.

16 (c) That the amount under this section is designated
17 as an emergency requirement and necessary to meet emer-
18 gency needs pursuant to sections 403(a) and 423(b) of S.
19 Con. Res. 13 (111th Congress), the concurrent resolution on
20 the budget for fiscal year 2010.

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TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for “Economic Development Assistance Programs”, \$40,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading shall be for the Trade Adjustment Assistance for Communities program as authorized by section 1872 of Public Law 111–5: Provided further, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$30,000,000, to remain available until September 30, 2010: Provided, That funds provided in the previous proviso shall only be for carrying out Department of Justice responsibilities required by Executive Orders 13491, 13492, and 13493: Provided further, That the Attorney General shall submit to the Committees on Appropriations of the

1 *House and the Senate a detailed plan for expenditure of*
2 *such funds no later than 30 days after enactment of this*
3 *Act.*

4 *DETENTION TRUSTEE*

5 *For an additional amount for “Detention trustee”,*
6 *\$60,000,000, to remain available until September 30, 2010.*

7 *LEGAL ACTIVITIES*

8 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

9 *For an additional amount for “Salaries and expenses,*
10 *general legal activities”, \$1,648,000, to remain available*
11 *until September 30, 2010.*

12 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

13 *For an additional amount for “Salaries and expenses,*
14 *United States attorneys”, \$5,000,000, to remain available*
15 *until September 30, 2010.*

16 *For an additional amount for “Salaries and expenses,*
17 *United States attorneys”, \$10,000,000, to remain available*
18 *until September 30, 2010: Provided, That the amount pro-*
19 *vided in this paragraph is designated as an emergency re-*
20 *quirement and necessary to meet emergency needs pursuant*
21 *to sections 403(a) and 423(b) of S. Con. Res. 13 (111th*
22 *Congress), the concurrent resolution on the budget for fiscal*
23 *year 2010.*

1 *UNITED STATES MARSHALS SERVICES*2 *SALARIES AND EXPENSES*

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

6 *NATIONAL SECURITY DIVISION*7 *SALARIES AND EXPENSES*

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

11 *FEDERAL BUREAU OF INVESTIGATIONS*12 *SALARIES AND EXPENSES*

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

20 *DRUG ENFORCEMENT ADMINISTRATION*21 *SALARIES AND EXPENSES*

22 *For an additional amount for “Salaries and ex-*
23 *penses”, \$20,000,000, to remain available until September*
24 *30, 2010.*

1 *RESERVE PERSONNEL, ARMY*

2 *For an additional amount for “Reserve Personnel,*
3 *Army”, \$387,155,000.*

4 *RESERVE PERSONNEL, NAVY*

5 *For an additional amount for “Reserve Personnel,*
6 *Navy”, \$39,478,000.*

7 *RESERVE PERSONNEL, MARINE CORPS*

8 *For an additional amount for “Reserve Personnel, Ma-*
9 *rine Corps”, \$29,179,000.*

10 *RESERVE PERSONNEL, AIR FORCE*

11 *For an additional amount for “Reserve Personnel, Air*
12 *Force”, \$14,943,000.*

13 *NATIONAL GUARD PERSONNEL, ARMY*

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

16 *NATIONAL GUARD PERSONNEL, AIR FORCE*

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

19 *OPERATION AND MAINTENANCE*20 *OPERATION AND MAINTENANCE, ARMY*

21 *For an additional amount for “Operation and Mainte-*
22 *nance, Army”, \$13,933,801,000.*

23 *OPERATION AND MAINTENANCE, NAVY*

24 *For an additional amount for “Operation and Mainte-*
25 *nance, Navy”, \$2,337,360,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Marine Corps”, \$1,037,842,000.*

4 *OPERATION AND MAINTENANCE, AIR FORCE*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Air Force”, \$5,992,125,000.*

7 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

8 *For an additional amount for “Operation and Mainte-*
9 *nance, Defense-Wide”, \$5,065,783,000, of which:*

10 *(1) not to exceed \$12,500,000 for the Combatant*
11 *Commander Initiative Fund, to be used in support of*
12 *Operation Iraqi Freedom and Operation Enduring*
13 *Freedom;*

14 *(2) not to exceed \$1,050,000,000, to remain*
15 *available until expended, for payments to reimburse*
16 *key cooperating nations, for logistical, military, and*
17 *other support including access provided to United*
18 *States military operations in support of Operation*
19 *Iraqi Freedom and Operation Enduring Freedom,*
20 *notwithstanding any other provision of law: Provided,*
21 *That such reimbursement payments may be made in*
22 *such amounts as the Secretary of Defense, with the*
23 *concurrence of the Secretary of State, and in con-*
24 *sultation with the Director of the Office of Manage-*
25 *ment and Budget, may determine, in his discretion,*

1 *based on documentation determined by the Secretary*
2 *of Defense to adequately account for the support pro-*
3 *vided and such determination is final and conclusive*
4 *upon the accounting officers of the United States, and*
5 *15 days following notification to the appropriate con-*
6 *gressional committees: Provided further, That these*
7 *funds may be used for the purpose of providing spe-*
8 *cialized training and procuring supplies and special-*
9 *ized equipment and providing such supplies and*
10 *loaning such equipment on a non-reimbursable basis*
11 *to coalition forces supporting United States military*
12 *operations in Iraq and Afghanistan: Provided further,*
13 *That the Secretary of Defense shall provide quarterly*
14 *reports to the congressional defense committees on the*
15 *use of funds provided in this paragraph; and*

16 *(3) up to \$50,000,000 shall be available, 30 days*
17 *after the Secretary of Defense submits an expenditure*
18 *plan to the congressional defense committees detailing*
19 *the specific planned use of these funds, only to sup-*
20 *port the relocation and disposition of individuals de-*
21 *tained at the Guantanamo Bay Naval Base to loca-*
22 *tions outside of the United States, relocate military*
23 *and support forces associated with detainee oper-*
24 *ations, and facilitate the closure of detainee facilities:*
25 *Provided, That the Secretary of Defense shall certify*

1 *in writing to the congressional defense committees,*
2 *prior to transferring prisoners to foreign nations, that*
3 *he has been assured by the receiving nation that the*
4 *individual or individuals to be transferred will be re-*
5 *tained in that nation’s custody as long as they re-*
6 *main a threat to the national security interest of the*
7 *United States: Provided further, That the funds in*
8 *this paragraph available to provide assistance to for-*
9 *oreign nations to facilitate the relocation and disposi-*
10 *tion of individuals detained at the Guantanamo Bay*
11 *Naval Base are in addition to any other authority to*
12 *provide assistance to foreign nations: Provided fur-*
13 *ther, That these funds are available for transfer to*
14 *any other appropriations accounts of the Department*
15 *of Defense or, with the concurrence of the head of the*
16 *relevant Federal department or agency, to any other*
17 *Federal appropriations accounts to accomplish the*
18 *purposes provided herein: Provided further, That this*
19 *transfer authority is in addition to any other transfer*
20 *authority available to the Department of Defense.*

21 *OPERATION AND MAINTENANCE, ARMY RESERVE*

22 *For an additional amount for “Operation and Mainte-*
23 *nance, Army Reserve”, \$110,017,000.*

1 *OPERATION AND MAINTENANCE, NAVY RESERVE*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Navy Reserve”, \$25,569,000.*

4 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Marine Corps Reserve”, \$30,775,000.*

7 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

8 *For an additional amount for “Operation and Mainte-*
9 *nance, Air Force Reserve”, \$34,599,000.*

10 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

11 *For an additional amount for “Operation and Mainte-*
12 *nance, Army National Guard”, \$203,399,000.*

13 *AFGHANISTAN SECURITY FORCES FUND*

14 *For the “Afghanistan Security Forces Fund”,*
15 *\$3,606,939,000, to remain available until September 30,*
16 *2010: Provided, That such funds shall be available to the*
17 *Secretary of Defense, notwithstanding any other provision*
18 *of law, for the purpose of allowing the Commander, Com-*
19 *bined Security Transition Command—Afghanistan, or the*
20 *Secretary’s designee, to provide assistance, with the concur-*
21 *rence of the Secretary of State, to the security forces of Af-*
22 *ghanistan, including the provision of equipment, supplies,*
23 *services, training, facility and infrastructure repair, ren-*
24 *ovation, and construction, and funding: Provided further,*
25 *That the authority to provide assistance under this heading*

1 *is in addition to any other authority to provide assistance*
2 *to foreign nations: Provided further, That contributions of*
3 *funds for the purposes provided herein from any person,*
4 *foreign government, or international organization may be*
5 *credited to this Fund and used for such purposes: Provided*
6 *further, That the Secretary shall notify the congressional*
7 *defense committees in writing upon the receipt and upon*
8 *the transfer of any contribution, delineating the sources and*
9 *amounts of the funds received and the specific use of such*
10 *contributions: Provided further, That the Secretary of De-*
11 *fense shall, not fewer than 15 days prior to making trans-*
12 *fers from this appropriation account, notify the congres-*
13 *sional defense committees in writing of the details of any*
14 *such transfer.*

15 *IRAQ SECURITY FORCES FUND*

16 *For an additional amount for the “Iraq Security*
17 *Forces Fund”, \$1,000,000,000, to remain available until*
18 *September 30, 2011: Provided, That, not later than July*
19 *31, 2010, any remaining unobligated funds in this account*
20 *shall be transferred to the Department of State to be avail-*
21 *able for the same purposes as provided herein.*

22 *PAKISTAN COUNTERINSURGENCY CAPABILITY FUND*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *There is hereby established in the Treasury of the*
25 *United States the “Pakistan Counterinsurgency Capability*

1 *Fund*". For the "Pakistan Counterinsurgency Capability
2 *Fund*", \$400,000,000, to remain available until September
3 30, 2010: Provided, That such funds shall be available to
4 the Secretary of Defense, with the concurrence of the Sec-
5 retary of State, notwithstanding any other provision of law,
6 for the purpose of allowing the Commander, United States
7 Central Command, or the Secretary's designee, to provide
8 assistance to Pakistan's security forces; including program
9 management and the provision of equipment, supplies, serv-
10 ices, training, and funds; and facility and infrastructure
11 repair, renovation, and construction to build the counter-
12 insurgency capability of Pakistan's military and Frontier
13 Corps, and of which up to \$2,000,000 shall be available to
14 assist the Government of Pakistan in creating a program
15 to respond to urgent humanitarian relief and reconstruction
16 requirements that will immediately assist Pakistani people
17 affected by military operations: Provided further, That the
18 authority to provide assistance under this provision is in
19 addition to any other authority to provide assistance to for-
20 eign nations: Provided further, That the Secretary of De-
21 fense may transfer such amounts as he may determine from
22 the funds provided herein to appropriations for operation
23 and maintenance; Overseas Humanitarian, Disaster, and
24 Civic Aid; procurement; research, development, test and
25 evaluation; and defense working capital funds: Provided

1 *further, That funds so transferred shall be merged with and*
2 *be available for the same purposes and for the same time*
3 *period as the appropriation or fund to which transferred:*
4 *Provided further, That the Secretary of Defense shall, not*
5 *fewer than 15 days prior to making transfers from this ap-*
6 *propriation account, notify the congressional defense com-*
7 *mittees in writing of the details of any such transfer.*

8 *PROCUREMENT*

9 *AIRCRAFT PROCUREMENT, ARMY*

10 *For an additional amount for “Aircraft Procurement,*
11 *Army”, \$315,684,000, to remain available until September*
12 *30, 2011.*

13 *MISSILE PROCUREMENT, ARMY*

14 *For an additional amount for “Missile Procurement,*
15 *Army”, \$737,041,000, to remain available until September*
16 *30, 2011.*

17 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

18 *VEHICLES, ARMY*

19 *For an additional amount for “Procurement of Weap-*
20 *ons and Tracked Combat Vehicles, Army”, \$1,434,071,000,*
21 *to remain available until September 30, 2011.*

22 *PROCUREMENT OF AMMUNITION, ARMY*

23 *For an additional amount for “Procurement of Am-*
24 *munition, Army”, \$230,075,000, to remain available until*
25 *September 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 obliga-*
4 *tion 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 Sep-*
16 *tember 30, 2011.*

17 *PROCUREMENT, DEFENSE-WIDE*

18 *For an additional amount for “Procurement, Defense-*
19 *Wide”, \$237,868,000, to remain available until September*
20 *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 other*
7 *provision of law, to procure, sustain, transport, and field*
8 *Mine Resistant Ambush Protected vehicles: Provided fur-*
9 *ther, That the Secretary shall transfer such funds only to*
10 *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 Sec-*
16 *retary shall, not fewer than 15 days prior to making trans-*
17 *fers from this appropriation, notify the congressional de-*
18 *fense committees in writing of the details of any such trans-*
19 *fer.*

20 *RESEARCH, DEVELOPMENT, TEST AND*
21 *EVALUATION*

22 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*
23 *For an additional amount for “Research, Develop-*
24 *ment, Test and Evaluation, Army”, \$71,935,000, to remain*
25 *available until September 30, 2010.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

2 *For an additional amount of “Research, Development,*
3 *Test and Evaluation, Navy”, \$141,681,000, to remain*
4 *available until September 30, 2010.*

5 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
6 *FORCE*

7 *For an additional amount of “Research, Development,*
8 *Test and Evaluation, Air Force”, \$174,159,000, to remain*
9 *available until September 30, 2010.*

10 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
11 *DEFENSE-WIDE*

12 *For an additional amount of “Research, Development,*
13 *Test and Evaluation, Defense-Wide”, \$498,168,000, to re-*
14 *main available until September 30, 2010.*

15 *REVOLVING AND MANAGEMENT FUNDS*

16 *DEFENSE WORKING CAPITAL FUNDS*

17 *For an additional amount for “Defense Working Cap-*
18 *ital Funds”, \$861,726,000, to remain available until ex-*
19 *pended.*

20 *DEFENSE HEALTH PROGRAM*

21 *For an additional amount for “Defense Health Pro-*
22 *gram”, \$909,297,000, of which \$845,508,000 for operation*
23 *and maintenance; of which \$30,185,000, to remain avail-*
24 *able until September 30, 2011, for procurement; and of*

1 *which \$33,604,000, to remain available until September 30,*
 2 *2010, for research, development, test and evaluation.*

3 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

4 *DEFENSE*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Drug Interdiction and*
 7 *Counter-Drug Activities, Defense”, \$123,398,000, to remain*
 8 *available until September 30, 2010: Provided, That these*
 9 *funds may be used only for such activities related to Af-*
 10 *ghanistan, Pakistan, and Central Asia.*

11 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

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

15 *OFFICE OF THE INSPECTOR GENERAL*

16 *For an additional amount for “Office of the Inspector*
 17 *General”, \$9,551,000.*

18 *GENERAL PROVISIONS—THIS TITLE*

19 *SEC. 301. Notwithstanding any other provision of law,*
 20 *funds made available in this title are in addition to*
 21 *amounts appropriated or otherwise made available for the*
 22 *Department of Defense for fiscal year 2009.*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 302. Upon the determination of the Secretary of*
 25 *Defense that such action is necessary in the national inter-*

1 *est, the Secretary may transfer between appropriations up*
2 *to \$2,500,000,000 of the funds made available to the De-*
3 *partment of Defense in this title: Provided, That the Sec-*
4 *retary shall notify the Congress promptly of each transfer*
5 *made pursuant to this authority: Provided further, That the*
6 *authority provided in this section is in addition to any*
7 *other transfer authority available to the Department of De-*
8 *fense and is subject to the same terms and conditions as*
9 *the authority provided in section 8005 of the Department*
10 *of Defense Appropriations Act, 2009, (Public Law 110–116)*
11 *except for the fourth proviso.*

12 *SEC. 303. Funds appropriated by this Act, or made*
13 *available by the transfer of funds in this Act, for intelligence*
14 *activities are deemed to be specifically authorized by the*
15 *Congress for purposes of section 504(a)(1) of the National*
16 *Security Act of 1947 (50 U.S.C. 414(a)(1)).*

17 *SEC. 304. During fiscal year 2009 and from funds in*
18 *the “Defense Cooperation Account”, as established by 10*
19 *U.S.C. 2608, the Secretary of Defense may transfer not to*
20 *exceed \$6,500,000 to such appropriations or funds of the*
21 *Department of Defense as the Secretary shall determine for*
22 *use consistent with the purposes for which such funds were*
23 *contributed and accepted: Provided, That such amounts*
24 *shall be available for the same time period as the appro-*
25 *priation to which transferred: Provided further, That the*

1 *Secretary shall report to the Congress all transfers made*
2 *pursuant to this authority.*

3 *SEC. 305. Supervision and administration costs asso-*
4 *ciated with a construction project funded with appropria-*
5 *tions available for operation and maintenance or “Afghani-*
6 *stan Security Forces Fund” provided in this title, and exe-*
7 *cuted in direct support of the overseas contingency oper-*
8 *ations in Iraq and Afghanistan, may be obligated at the*
9 *time a construction contract is awarded: Provided, That for*
10 *the purpose of this section, supervision and administration*
11 *costs include all in-house Government costs.*

12 *SEC. 306. Funds made available in this title to the*
13 *Department of Defense for operation and maintenance may*
14 *be used to purchase items having an investment unit cost*
15 *of not more than \$250,000: Provided, That upon determina-*
16 *tion by the Secretary of Defense that such action is nec-*
17 *essary to meet the operational requirements of a Com-*
18 *mander of a Combatant Command engaged in contingency*
19 *operations overseas, such funds may be used to purchase*
20 *items having an investment item unit cost of not more than*
21 *\$500,000: Provided further, That the Secretary shall report*
22 *to the Congress all purchases made pursuant to this author-*
23 *ity within 30 days of using the authority.*

24 *SEC. 307. From funds made available in this title, the*
25 *Secretary of Defense may purchase motor vehicles for use*

1 *by military and civilian employees of the Department of*
2 *Defense in Iraq and Afghanistan, up to a limit of \$75,000*
3 *per vehicle, notwithstanding other limitations applicable to*
4 *passenger carrying motor vehicles.*

5 *SEC. 308. Of the funds appropriated in Department*
6 *of Defense Appropriations Acts, the following funds are*
7 *hereby rescinded from the following accounts and programs*
8 *in the specified amounts: Provided, That none of the*
9 *amounts may be rescinded from amounts that were des-*
10 *ignated by the Congress as an emergency requirement pur-*
11 *suant to a Concurrent Resolution on the Budget or the Bal-*
12 *anced Budget and Emergency Deficit Control Act of 1985,*
13 *as amended:*

14 *“Procurement, Marine Corps, 2007/2009”,*
15 *\$54,400,000;*

16 *“Other Procurement, Army, 2008/2010”,*
17 *\$29,300,000;*

18 *“Procurement, Marine Corps, 2008/2010”,*
19 *\$10,300,000;*

20 *“Research, Development, Test and Evaluation,*
21 *Navy, 2008/2009”, \$5,000,000;*

22 *“Research, Development, Test and Evaluation,*
23 *Air Force, 2008/2009”, \$36,107,000;*

24 *“Research, Development, Test and Evaluation,*
25 *Defense-Wide, 2008/2009”, \$200,000,000;*

1 *“Operation and Maintenance, Army, 2009/*
2 *2009”*, \$352,359,000;

3 *“Operation and Maintenance, Navy, 2009/2009”*,
4 \$881,481,000;

5 *“Operation and Maintenance, Marine Corps,*
6 *2009/2009”*, \$54,466,000;

7 *“Operation and Maintenance, Air Force, 2009/*
8 *2009”*, \$925,203,000;

9 *“Operation and Maintenance, Defense-Wide,*
10 *2009/2009”*, \$267,635,000;

11 *“Operation and Maintenance, Army Reserve,*
12 *2009/2009”*, \$23,338,000;

13 *“Operation and Maintenance, Navy Reserve,*
14 *2009/2009”*, \$62,910,000;

15 *“Operation and Maintenance, Marine Corps Re-*
16 *serve, 2009/2009”*, \$1,250,000;

17 *“Operation and Maintenance, Air Force Reserve,*
18 *2009/2009”*, \$163,786,000;

19 *“Operation and Maintenance, Army National*
20 *Guard, 2009/2009”*, \$57,819,000;

21 *“Operation and Maintenance, Air National*
22 *Guard, 2009/2009”*, \$250,645,000;

23 *“Aircraft Procurement, Army, 2009/2011”*,
24 \$11,500,000;

1 *“Procurement of Ammunition, Army, 2009/*
2 *2011”*, \$107,100,000;

3 *“Other Procurement, Army, 2009/2011”*,
4 *\$195,000,000;*

5 *“Procurement, Marine Corps, 2009/2011”*,
6 *\$10,300,000;*

7 *“Procurement, Defense-Wide, 2009/2011”*,
8 *\$6,400,000;*

9 *“Research, Development, Test and Evaluation,*
10 *Army, 2009/2010”*, \$202,710,000;

11 *“Research, Development, Test and Evaluation,*
12 *Navy, 2009/2010”*, \$270,260,000; and

13 *“Research, Development, Test and Evaluation,*
14 *Air Force, 2009/2010”*, \$392,567,000.

15 *SEC. 309. None of the funds appropriated or otherwise*
16 *made available by this title may be obligated or expended*
17 *to provide award fees to any defense contractor contrary*
18 *to the provisions of section 814 of the National Defense Au-*
19 *thorization Act, Fiscal Year 2007 (Public Law 109–364).*

20 *SEC. 310. None of the funds provided in this title may*
21 *be used to finance programs or activities denied by Congress*
22 *in fiscal years 2008 or 2009 appropriations to the Depart-*
23 *ment of Defense or to initiate a procurement or research,*
24 *development, test and evaluation new start program with-*

1 out prior written notification to the congressional defense
2 committees.

3 *SEC. 311. None of the funds appropriated or otherwise*
4 *made available by this or any other Act shall be obligated*
5 *or expended by the United States Government for the pur-*
6 *pose of establishing any military installation or base for*
7 *the purpose of providing for the permanent stationing of*
8 *United States Armed Forces in Afghanistan.*

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

13 *(b) MODIFICATION OF REPORTS ON USE OF CERTAIN*
14 *SECURITY FORCES FUNDS.—*

15 *(1) PREPARATION IN CONSULTATION WITH COM-*
16 *MANDER OF CENTCOM.—Subsection (b)(1) of such sec-*
17 *tion is amended by inserting “the Commander of the*
18 *United States Central Command;” after “the Sec-*
19 *retary of Defense;”.*

20 *(2) PERIOD OF REPORTS.—Such subsection is*
21 *further amended by striking “not later than 120 days*
22 *after the date of the enactment of this Act and every*
23 *90 days thereafter” and inserting “not later than 45*
24 *days after the end of each fiscal year quarter”.*

1 (3) *FUNDS COVERED BY REPORTS*.—Such sub-
 2 section is further amended by striking “and ‘Afghani-
 3 stan Security Forces Fund’” and inserting “, ‘Af-
 4 ghanistan Security Forces Fund’, and ‘Pakistan
 5 Counterinsurgency Capability Fund’”.

6 (c) *NOTICE NEW PROJECTS AND TRANSFERS OF*
 7 *FUNDS*.—Subsection (c) of such section is amended by strik-
 8 ing “the headings” and all that follows and inserting “the
 9 headings as follows:

10 “(1) ‘Iraq Security Forces Fund’.

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

12 “(3) ‘Pakistan Counterinsurgency Capability
 13 Fund’.”.

14 (d) *EFFECTIVE DATE*.—The amendments made by this
 15 section shall take effect on the date of the enactment of this
 16 Act.

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

19 “(1) A member who has received separation pay
 20 under this section, or separation pay, severance pay,
 21 or readjustment pay under any other provision of
 22 law, based on service in the armed forces, and who
 23 later qualifies for retired or retainer pay under this
 24 title or title 14 shall have deducted from each pay-
 25 ment of such retired or retainer pay an amount, in

1 *such schedule of monthly installments as the Sec-*
2 *retary of Defense shall specify, taking into account*
3 *the financial ability of the member to pay and avoid-*
4 *ing the imposition of undue financial hardship on the*
5 *member and member’s dependents, until the total*
6 *amount deducted is equal to the total amount of sepa-*
7 *ration pay, severance pay, and readjustment pay so*
8 *paid.”.*

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

11 *“(3)(A) A member who has received the vol-*
12 *untary separation incentive and who later qualifies*
13 *for retired or retainer pay under this title shall have*
14 *deducted from each payment of such retired or re-*
15 *tainer pay an amount, in such schedule of monthly*
16 *installments as the Secretary of Defense shall specify,*
17 *taking into account the financial ability of the mem-*
18 *ber to pay and avoiding the imposition of undue fi-*
19 *nancial hardship on the member and member’s de-*
20 *pendents, until the total amount deducted is equal to*
21 *the total amount of separation pay, severance pay,*
22 *and readjustment pay so paid. If the member elected*
23 *to have a reduction in voluntary separation incentive*
24 *for any period pursuant to paragraph (2), the deduc-*

1 *tion required under the preceding sentence shall be re-*
2 *duced as the Secretary of Defense shall specify.”.*

3 *(c) EFFECTIVE DATE.—The amendments made by this*
4 *section shall apply to any repayments of separation pay,*
5 *severance pay, readjustment pay, special separation benefit,*
6 *or voluntary separation incentive, that occur on or after*
7 *the date of enactment, including any ongoing repayment*
8 *actions that were initiated prior to this amendment.*

9 *SEC. 314. (a) IN GENERAL.—Unless otherwise des-*
10 *ignated, each amount in this title is designated as being*
11 *for overseas deployments and other activities pursuant to*
12 *sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th*
13 *Congress), the concurrent resolution on the budget for fiscal*
14 *year 2010.*

15 *(b) EXCEPTION.—Subsection (a) shall not apply to the*
16 *amount rescinded in section 308 for “Operation and Main-*
17 *tenance, Air Force”.*

18 *SEC. 315. (a) REPORTS REQUIRED.—Not later than*
19 *60 days after the date of the enactment of this Act and every*
20 *90 days thereafter, the President shall submit to the mem-*
21 *bers and committees of Congress specified in subsection (b)*
22 *a report on the prisoner population at the detention facility*
23 *at Naval Station Guantanamo Bay, Cuba.*

1 (b) *SPECIFIED MEMBERS AND COMMITTEES OF CON-*
2 *GRESS.*—*The members and committees of Congress specified*
3 *in this subsection are the following:*

4 (1) *The majority leader and minority leader of*
5 *the Senate.*

6 (2) *The Chairman and Ranking Member on the*
7 *Committee on Armed Services of the Senate.*

8 (3) *The Chairman and Vice Chairman of the Se-*
9 *lect Committee on Intelligence of the Senate.*

10 (4) *The Speaker of the House of Representatives.*

11 (5) *The minority leader of the House of Rep-*
12 *resentatives.*

13 (6) *The Chairman and Ranking Member on the*
14 *Committee on Armed Services of the House of Rep-*
15 *resentatives.*

16 (7) *The Chairman and Vice Chairman of the*
17 *Permanent Select Committee on Intelligence of the*
18 *House of Representatives*

19 (c) *MATTERS TO BE INCLUDED.*—*Each report sub-*
20 *mitted under subsection (a) shall include the following:*

21 (1) *The name and country of origin of each de-*
22 *tainee at the detention facility at Naval Station*
23 *Guantanamo Bay, Cuba, as of the date of such report.*

24 (2) *A current summary of the evidence, intel-*
25 *ligence, and information used to justify the detention*

1 *of each detainee listed under paragraph (1) at Naval*
2 *Station Guantanamo Bay.*

3 (3) *A current accounting of all the measures*
4 *taken to transfer each detainee listed under para-*
5 *graph (1) to the individual's country of citizenship or*
6 *another country.*

7 (4) *A current description of the number of indi-*
8 *viduals released or transferred from detention at*
9 *Naval Station Guantanamo Bay who are confirmed*
10 *or suspected of returning to terrorist activities after*
11 *release or transfer from Naval Station Guantanamo*
12 *Bay.*

13 (5) *An assessment of any efforts by al Qaeda to*
14 *recruit detainees released from detention at Naval*
15 *Station Guantanamo Bay.*

16 (6) *For each detainee listed under paragraph*
17 *(1), a threat assessment that includes—*

18 (A) *an assessment of the likelihood that such*
19 *detainee may return to terrorist activity after re-*
20 *lease or transfer from Naval Station Guanta-*
21 *namo Bay;*

22 (B) *an evaluation of the status of any reha-*
23 *ilitation program in such detainee's country of*
24 *origin, or in the country such detainee is antici-*
25 *ipated to be transferred to; and*

1 (C) an assessment of the risk posed to the
2 American people by the release or transfer of
3 such detainee from Naval Station Guantanamo
4 Bay.

5 (d) *ADDITIONAL MATTERS TO BE INCLUDED IN INI-*
6 *TIAL REPORT.*—The first report submitted under subsection
7 (a) shall also include the following:

8 (1) A description of the process that was pre-
9 viously used for screening the detainees described by
10 subsection (c)(4) prior to their release or transfer
11 from detention at Naval Station Guantanamo Bay,
12 Cuba.

13 (2) An assessment of the adequacy of that screen-
14 ing process for reducing the risk that detainees pre-
15 viously released or transferred from Naval Station
16 Guantanamo Bay would return to terrorist activities
17 after release or transfer from Naval Station Guanta-
18 namo Bay.

19 (3) An assessment of lessons learned from pre-
20 vious releases and transfers of individuals who re-
21 turned to terrorist activities for reducing the risk that
22 detainees released or transferred from Naval Station
23 Guantanamo Bay will return to terrorist activities
24 after their release or transfer.

1 (e) *FORM.*—*Each report submitted under subsection*
2 *(a), or parts thereof, may be submitted in classified form.*

3 (f) *LIMITATION ON RELEASE OR TRANSFER.*—*No de-*
4 *tainee detained at the detention facility at Naval Station*
5 *Guantanamo Bay, Cuba, as of the date of the enactment*
6 *of this Act may be released or transferred to another country*
7 *until the President—*

8 (1) *submits to Congress the first report required*
9 *by subsection (a); or*

10 (2) *certifies to the members and committees of*
11 *Congress specified in subsection (b) that such action*
12 *poses no threat to the members of the United States*
13 *Armed Forces.*

14 (g) *SENSE OF SENATE.*—*It is the sense of the Senate*
15 *that the Secretary of Defense should consult with State and*
16 *local government officials before making any decision about*
17 *where detainees at Naval Station Guantanamo Bay, Cuba,*
18 *might be transferred, housed, or otherwise incarcerated as*
19 *a result of the implementation of the Executive Order of*
20 *the President to close the detention facilities at Naval Sta-*
21 *tion Guantanamo Bay.*

1 *TITLE IV*
2 *DEPARTMENT OF DEFENSE—CIVIL*
3 *DEPARTMENT OF THE ARMY*
4 *CORPS OF ENGINEERS—CIVIL*
5 *OPERATION AND MAINTENANCE*

6 *For an additional amount for “Operation and Maintenance” to dredge navigation channels and repair damage*
7 *to Corps projects nationwide related to natural disasters,*
8 *\$38,375,000, to remain available until expended: Provided,*
9 *That the Assistant Secretary of the Army for Civil Works*
10 *shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate*
11 *detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act:*
12 *Provided further, That the amount under this heading is*
13 *designated as an emergency requirement and necessary to*
14 *meet emergency needs pursuant to sections 403(a) and*
15 *423(b) of S. Con. Res. 13 (111th Congress), the concurrent*
16 *resolution on the budget for fiscal year 2010.*

20 *FLOOD CONTROL AND COASTAL EMERGENCIES*

21 *For an additional amount for “Flood Control and*
22 *Coastal Emergencies”, as authorized by section 5 of the Act*
23 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
24 *relating to the consequences of natural disasters as author-*
25 *ized by law, \$804,290,000, to remain available until ex-*

1 *pended: Provided, That the Secretary of the Army is di-*
2 *rected to use \$315,290,000 of the funds appropriated under*
3 *this heading to support emergency operations, repair eligi-*
4 *ble projects nationwide, and for other activities in response*
5 *to natural disasters: Provided further, That the Secretary*
6 *of the Army is directed to use \$489,000,000 of the amount*
7 *provided under this heading for barrier island restoration*
8 *and ecosystem restoration to restore historic levels of storm*
9 *damage reduction to the Mississippi Gulf Coast: Provided*
10 *further, That this work shall be carried out at full Federal*
11 *expense: Provided further, That the Assistant Secretary of*
12 *the Army for Civil Works shall provide a monthly report*
13 *to the Committees on Appropriations of the House of Rep-*
14 *resentatives and the Senate detailing the allocation and ob-*
15 *ligation of these funds, beginning not later than 60 days*
16 *after enactment of this Act: Provided further, That the*
17 *amount under this heading is designated as an emergency*
18 *requirement and necessary to meet emergency needs pursu-*
19 *ant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th*
20 *Congress), the concurrent resolution on the budget for fiscal*
21 *year 2010.*

1 *DEPARTMENT OF ENERGY*
2 *ENERGY PROGRAMS*
3 *STRATEGIC PETROLEUM RESERVE*
4 *(TRANSFER OF FUNDS)*

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

14 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*
15 *WEAPONS ACTIVITIES*
16 *(TRANSFER OF FUNDS)*

17 *For an additional amount for “Weapons Activities”,*
18 *\$34,500,000, to remain available until expended, to be di-*
19 *vided among the three national security laboratories of*
20 *Livermore, Sandia and Los Alamos to fund a sustainable*
21 *capability to analyze nuclear and biological weapons intel-*
22 *ligence: Provided, That the Director of National Intelligence*
23 *shall provide a written report to the Senate Appropriations*
24 *Committee, the Senate Armed Services Committee and the*
25 *Senate Select Committee on Intelligence within 90 days of*

1 *enactment on how the National Nuclear Security Adminis-*
 2 *tration will invest these resources in technical and core ana-*
 3 *lytical capabilities: Provided further, That the amount*
 4 *under this heading is designated as being for overseas de-*
 5 *ployments and other activities pursuant to sections*
 6 *401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress),*
 7 *the concurrent resolution on the budget for fiscal year 2010.*

8 *DEFENSE NUCLEAR NONPROLIFERATION*

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

21 *GENERAL PROVISIONS—THIS TITLE*

22 *LIMITED TRANSFER AUTHORITY*

23 *SEC. 401. Section 403 of title IV of division A of the*
 24 *American Recovery and Reinvestment Act of 2009 (Public*

1 *Law 111–5) is amended by striking all of the text and in-*
 2 *serting the following:*

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

4 *“The Secretary of Energy may transfer up to 0.5 per-*
 5 *cent from each amount appropriated to the Department of*
 6 *Energy in this title to any other appropriate account with-*
 7 *in the Department of Energy, to be used for management*
 8 *and oversight activities: Provided, That the Secretary shall*
 9 *provide a report to the Committees on Appropriations of*
 10 *the House of Representatives and the Senate 15 days prior*
 11 *to any transfer: Provided further, That any funds so trans-*
 12 *ferred under this section shall remain available for obliga-*
 13 *tion until September 30, 2012.”.*

14 **WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS**

15 **SEC. 402.** *Section 4601(c)(1) of the Atomic Energy De-*
 16 *fense Act (50 U.S.C. 2701(c)(1)) is amended by striking*
 17 *“September 30, 2008” and inserting “September 30, 2009”.*

18 **CORPS OF ENGINEERS TECHNICAL FIX**

19 **SEC. 403. (a) IN GENERAL.**—*Section 3181 of the*
 20 *Water Resources Development Act of 2007 (Public Law*
 21 *110–114; 121 Stat. 1158) is amended—*

22 *(1) in subsection (a)—*

23 *(A) by redesignating paragraphs (4)*
 24 *through (11) as paragraphs (5), (6), (8), (9),*
 25 *(10), (11), (12), and (13), respectively;*

1 (B) by inserting after paragraph (3) the fol-
 2 lowing:

3 “(4) *NORTHEAST HARBOR, MAINE.*—*The project*
 4 *for navigation, Northeast Harbor, Maine, authorized*
 5 *by section 2 of the Act of March 2, 1945 (59 Stat.*
 6 *12).*”; and

7 (C) by inserting after paragraph (6) (as re-
 8 designated by subparagraph (A)) the following:

9 “(7) *TENANTS HARBOR, MAINE.*—*The project for*
 10 *navigation, Tenants Harbor, Maine, authorized by*
 11 *the first section of the Act of March 2, 1919 (40 Stat.*
 12 *1275).*”; and

13 (2) in subsection (h)—

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

16 (B) by redesignating paragraphs (17)
 17 through (29) as paragraphs (15) through (27),
 18 respectively.

19 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 20 *section (a) shall take effect as if included in the Water Re-*
 21 *sources Development Act of 2007 (Public Law 110–114; 121*
 22 *Stat. 1041)*

23 CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

24 SEC. 404. *Unlimited reprogramming authority is*
 25 *granted to the Secretary of the Army for funds provided*

1 *in title IV—Energy and Water Development of Public Law*
2 *111–5 under the heading “Department of Defense—Civil,*
3 *Department of the Army, Corps of Engineers—Civil”.*

4 *BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY*

5 *SEC. 405. Unlimited reprogramming authority is*
6 *granted to the Secretary of the Interior for funds provided*
7 *in title IV—Energy and Water Development of Public Law*
8 *111–5 under the heading “Bureau of Reclamation, Water*
9 *and Related Resources”.*

10 *COST ANALYSIS OF TRITIUM PROGRAM CHANGES*

11 *SEC. 406. No funds in this Act, or other previous Acts,*
12 *shall be provided to fund activities related to the mission*
13 *relocation of either the design authority for the gas transfer*
14 *systems or tritium research and development facilities dur-*
15 *ing the current fiscal year and until the Department can*
16 *provide the Senate Appropriations Committee an inde-*
17 *pendent technical mission review and cost analysis by the*
18 *JASON’s as proposed in the Complex Transformation Site-*
19 *Wide Programmatic Environmental Impact Statement.*

20 *CORPS OF ENGINEERS PROJECT COST CEILING INCREASE*

21 *SEC. 407. The project for ecosystem restoration, Upper*
22 *Newport Bay, California, authorized by section 101(b)(9)*
23 *of the Water Resources Development Act of 2000 (114 Stat.*
24 *2577), is modified to authorize the Secretary to construct*
25 *the project at a total cost of \$50,659,000, with an estimated*

1 *Federal cost of \$32,928,000 and a non-Federal cost of*
2 *\$17,731,000.*

3 *SEC. 408. None of the funds provided in the matter*
4 *under the heading entitled “Department of Defense—Civil”*
5 *in this Act, or provided by previous appropriations Acts*
6 *under the heading entitled “Department of Defense—Civil”*
7 *may be used to deconstruct any work (including any par-*
8 *tially completed work) completed under the Mississippi*
9 *River and Tributaries Project authorized by the Act of May*
10 *15, 1928 (45 2 Stat. 534; 100 Stat. 4183), during fiscal*
11 *year 2009, 2010, and 2011.*

12 *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*
13 *PROGRAM*

14 *SEC. 409. The matter under the heading “Title 17 In-*
15 *novative Technology Loan Guarantee Program” of title III*
16 *of division C of the Omnibus Appropriations Act, 2009*
17 *(Public Law 111–8; 123 Stat. 619) is amended in the ninth*
18 *proviso—*

19 *(1) by striking “or (d)” and inserting “(d)”; and*

20 *(2) by striking “the guarantee” and inserting*

21 *“the guarantee; (e) contracts, leases or other agree-*

22 *ments entered into prior to May 1, 2009 for front-end*

23 *nuclear fuel cycle projects, where such project licenses*

24 *technology from the Department of Energy, and pays*

25 *royalties to the federal government for such license*

1 *EXECUTIVE OFFICE OF THE PRESIDENT AND*
2 *FUNDS APPROPRIATED TO THE PRESIDENT*

3 *NATIONAL SECURITY COUNCIL*

4 *SALARIES AND EXPENSES*

5 *For an additional amount for “Salaries and Ex-*
6 *penses”, \$2,936,000, of which \$800,000 shall remain avail-*
7 *able until expended and \$2,136,000 shall remain available*
8 *until September 30, 2010: Provided, That the amount under*
9 *this heading is designated as being for overseas deployments*
10 *and other activities pursuant to sections 401(c)(4) and*
11 *423(a) of S. Con. Res. 13 (111th Congress), the concurrent*
12 *resolution on the budget for fiscal year 2010.*

13 *PANDEMIC PREPAREDNESS AND RESPONSE*

14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For an amount to be deposited into an account for*
16 *“Pandemic Preparedness and Response” to be established*
17 *within the Executive Office of the President for expenses to*
18 *prepare for and respond to a potential pandemic disease*
19 *outbreak and to assist international efforts to control the*
20 *spread of such an outbreak, including for the 2009–H1N1*
21 *influenza outbreak, \$1,500,000,000, to remain available*
22 *until September 30, 2010, and to be transferred by the Di-*
23 *rector of the Office of Management and Budget as follows:*
24 *\$900,000,000 shall be transferred to and merged with funds*
25 *made available under the heading “Department of Health*

1 *and Human Services, Public Health and Social Services*
2 *Emergency Fund” for allocation by the Secretary;*
3 *\$190,000,000 shall be transferred to and merged with funds*
4 *made available for the United States Department of Home-*
5 *land Security under the heading “Departmental Manage-*
6 *ment and Operations, Office of the Secretary and Executive*
7 *Management” for allocation by the Secretary; \$100,000,000*
8 *shall be transferred to and merged with funds made avail-*
9 *able for the United States Department of Agriculture under*
10 *the heading “Agricultural Programs, Production, Proc-*
11 *essing and Marketing, Office of the Secretary” for allocation*
12 *by the Secretary; \$50,000,000 shall be transferred to and*
13 *merged with funds made available under the heading “De-*
14 *partment of Health and Human Services, Food and Drug*
15 *Administration, Salaries and Expenses”;* \$110,000,000
16 *shall be transferred to and merged with funds made avail-*
17 *able under the heading “Department of Veterans Affairs,*
18 *Veterans Health Administration, Medical Services”;* and
19 *\$150,000,000 shall be transferred to and merged with funds*
20 *made available under the heading “Bilateral Economic As-*
21 *sistance, Funds Appropriated to the President, Global*
22 *Health and Child Survival”, to support programs of the*
23 *United States Agency for International Development: Pro-*
24 *vided, That such transfers shall be made not more than 10*
25 *days after the date of enactment of this Act: Provided fur-*

1 *ther, That none of the funds provided under this heading*
2 *shall be available for obligation until 15 days following the*
3 *submittal of a detailed spending plan by each Department*
4 *receiving funds to the Committees on Appropriations of the*
5 *House of Representatives and the Senate: Provided further,*
6 *That the transfer authority provided under this heading is*
7 *in addition to any other transfer authority available in this*
8 *or any other Act: Provided further, That the amount under*
9 *this heading is designated as an emergency requirement*
10 *and necessary to meet emergency needs pursuant to sections*
11 *403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the*
12 *concurrent resolution on the budget for fiscal year 2010.*

13 *THE JUDICIARY*

14 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*

15 *JUDICIAL SERVICES*

16 *SALARIES AND EXPENSES*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For an additional amount for “Salaries and Ex-*
19 *penses”, \$10,000,000, to remain available until September*
20 *30, 2010: Provided, That notwithstanding section 302 of di-*
21 *vision D of Public Law 111–8, funding shall be available*
22 *for transfer between Judiciary accounts to meet increased*
23 *workload requirements resulting from immigration and*
24 *other law enforcement initiatives on the Southwest border:*
25 *Provided further, That the amount under this heading is*

1 *designated as being for overseas deployments and other ac-*
 2 *tivities pursuant to sections 401(c)(4) and 423(a) of S. Con.*
 3 *Res. 13 (111th Congress), the concurrent resolution on the*
 4 *budget for fiscal year 2010.*

5 **INDEPENDENT AGENCIES**

6 **SECURITIES AND EXCHANGE COMMISSION**

7 **SALARIES AND EXPENSES**

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

16 **GENERAL PROVISIONS—THIS TITLE**

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

19 *(1) in the matter before clause (i), by striking*
 20 *“4-year” and inserting “5-year”; and*

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

23 **(b) EFFECTIVE DATE.**—*The amendments made by sub-*
 24 *section (a) shall take effect as if included in the enactment*
 25 *of Public Law 110–428.*

1 (2) by striking “evidence of debt by any insured”
2 and inserting the following: “evidence of debt by—

3 “(A) any insured”; and

4 (3) by striking the period at the end and insert-
5 ing the following: “; and

6 “(B) any nondepository institution oper-
7 ating in such State, shall be equal to not more
8 than the greater of the State’s maximum lawful
9 annual percentage rate or 17 percent—

10 “(i) to facilitate the uniform imple-
11 mentation of federally mandated or feder-
12 ally established programs and financings
13 related thereto, including—

14 “(I) uniform accessibility of stu-
15 dent loans, including the issuance of
16 qualified student loan bonds as set
17 forth in section 144(b) of the Internal
18 Revenue Code of 1986;

19 “(II) the uniform accessibility of
20 mortgage loans, including the issuance
21 of qualified mortgage bonds and quali-
22 fied veterans’ mortgage bonds as set
23 forth in section 143 of such Code;

24 “(III) the uniform accessibility of
25 safe and affordable housing programs

1 *administered or subject to review by*
2 *the Department of Housing and Urban*
3 *Development, including—*

4 *“(aa) the issuance of exempt*
5 *facility bonds for qualified resi-*
6 *dential rental property as set*
7 *forth in section 142(d) of such*
8 *Code;*

9 *“(bb) the issuance of low in-*
10 *come housing tax credits as set*
11 *forth in section 42 of such Code,*
12 *to facilitate the uniform accessi-*
13 *bility of provisions of the Amer-*
14 *ican Recovery and Reinvestment*
15 *Act of 2009; and*

16 *“(cc) the issuance of bonds*
17 *and obligations issued under that*
18 *Act, to facilitate economic devel-*
19 *opment, higher education, and*
20 *improvements to infrastructure,*
21 *and the issuance of bonds and ob-*
22 *ligations issued under any provi-*
23 *sion of law to further the same;*
24 *and*

1 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*2 *SALARIES AND EXPENSES*

3 *For an additional amount for “Salaries and Ex-*
4 *penses”, \$66,800,000, to remain available until September*
5 *30, 2010, of which \$11,800,000 shall be for the care, treat-*
6 *ment, and transportation of unaccompanied alien children;*
7 *and of which \$55,000,000 shall be for response to border*
8 *security issues on the Southwest border of the United States.*

9 *COAST GUARD*10 *OPERATING EXPENSES*

11 *For an additional amount for “Operating Expenses”,*
12 *\$139,503,000; of which \$129,503,000 shall be for Coast*
13 *Guard operations in support of Operation Iraqi Freedom*
14 *and Operation Enduring Freedom; and of which*
15 *\$10,000,000 shall be available until September 30, 2010,*
16 *for High Endurance Cutter maintenance, major repairs,*
17 *and improvements.*

18 *FEDERAL EMERGENCY MANAGEMENT AGENCY*19 *STATE AND LOCAL PROGRAMS*

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

22 *GENERAL PROVISIONS—THIS TITLE*23 *(INCLUDING RESCISSION)*

24 *SEC. 601. (a) RESCISSION.—Of amounts previously*
25 *made available from “Federal Emergency Management*

1 *Agency, Disaster Relief” to the State of Mississippi pursu-*
2 *ant to section 404 of the Robert T. Stafford Disaster Relief*
3 *and Emergency Assistance Act (42 U.S.C. 5170c) for Hur-*
4 *ricane Katrina, an additional \$100,000,000 are rescinded.*

5 **(b) APPROPRIATION.**—*For “Federal Emergency Man-*
6 *agement Agency, State and Local Programs”, there is ap-*
7 *propriated an additional \$100,000,000, to remain available*
8 *until expended, for a grant to the State of Mississippi for*
9 *an interoperable communications system required in the*
10 *aftermath of Hurricane Katrina: Provided, That the*
11 *amount under this heading is designated as an emergency*
12 *requirement and necessary to meet emergency needs pursu-*
13 *ant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th*
14 *Congress), the concurrent resolution on the budget for fiscal*
15 *year 2010.*

16 **SEC. 602.** *The Department of Homeland Security Ap-*
17 *propriations Act, 2009 (Public Law 110–329) is amended*
18 *under the heading “Federal Emergency Management Agen-*
19 *cy, Management and Administration” after “the Robert T.*
20 *Stafford Disaster Relief and Emergency Assistance Act (42*
21 *U.S.C. 5121 et seq.),” by adding “Cerro Grande Fire Assist-*
22 *ance Act of 2000 (division C, title I, 114 Stat. 583),”.*

23 **SEC. 603.** *Notwithstanding any provision under*
24 *(a)(1)(A) of 15 U.S.C. 2229a specifying that grants must*
25 *be used to increase the number of fire fighters in fire depart-*

1 ments, the Secretary of Homeland Security may, in making
2 grants described under 15 U.S.C. 2229a for fiscal year 2009
3 or 2010, grant waivers from the requirements of subsection
4 (a)(1)(B), subsection (c)(1), subsection (c)(2), and sub-
5 section (c)(4)(A), and may award grants for the hiring, re-
6 hiring, or retention of firefighters.

7 *SEC. 604. The Administrator of the Federal Emer-*
8 *gency Management Agency shall extend through March*
9 *2010 reimbursement of case management activities con-*
10 *ducted by the State of Mississippi under the Disaster Hous-*
11 *ing Assistance Program to individuals in the program on*
12 *April 30, 2009.*

13 *SEC. 605. Section 552 of division E of the Consolidated*
14 *Appropriations Act, 2008 (Public Law 110–161) is amend-*
15 *ed by striking “local educational agencies” and inserting*
16 *“primary or secondary school sites” and by inserting “and*
17 *section 406(c)(2)” after “section 406(c)(1)”.*

18 *SEC. 606. (a) IN GENERAL.—Each amount in this title*
19 *is designated as being for overseas deployments and other*
20 *activities pursuant to sections 401(c)(4) and 423(a) of S.*
21 *Con. Res. 13 (111th Congress), the concurrent resolution on*
22 *the budget for fiscal year 2010.*

23 *(b) EXCEPTION.—Subsection (a) shall not apply to*
24 *any amount under section 601 of this title.*

1 *emergency requirement and necessary to meet emergency*
2 *needs pursuant to sections 403(a) and 423(b) of S. Con.*
3 *Res. 13 (111th Congress), the concurrent resolution on the*
4 *budget for fiscal year 2010.*

5 *DEPARTMENT OF AGRICULTURE*

6 *FOREST SERVICE*

7 *WILDLAND FIRE MANAGEMENT*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For an additional amount to cover necessary expenses*
10 *for wildfire suppression and emergency rehabilitation ac-*
11 *tivities of the Forest Service, \$200,000,000, to remain avail-*
12 *able until expended: Provided, That such funds shall only*
13 *become available if funds provided previously for wildland*
14 *fire suppression will be exhausted imminently and after the*
15 *Secretary of Agriculture notifies the Committees on Appro-*
16 *priations of the House of Representatives and the Senate*
17 *in writing of the need for these additional funds: Provided*
18 *further, That the Secretary of Agriculture may transfer not*
19 *more than \$50,000,000 of these funds to the Secretary of*
20 *the Interior if the transfer enhances the efficiency or effec-*
21 *tiveness of Federal wildland fire suppression activities: Pro-*
22 *vided further, That the amount under this heading is des-*
23 *ignated as an emergency requirement and necessary to meet*
24 *emergency needs pursuant to sections 403(a) and 423(b) of*

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

3 **GENERAL PROVISIONS—THIS TITLE**

4 *SEC. 701. Public Law 111–8, division E, title III, De-*
 5 *partment of Health and Human Services, Agency for Toxic*
 6 *Substances and Disease Registry, Toxic Substances and En-*
 7 *vironmental Public Health is amended by inserting “per*
 8 *eligible employee” after “\$1,000”.*

9 *SEC. 702. (a) Section 1606 of division A, title XVI*
 10 *of Public Law 111–5 shall not be applied to projects carried*
 11 *out by youth conservation organizations under agreement*
 12 *with the Department of the Interior or the Forest Service*
 13 *for which funds were provided in title VII.*

14 *(b) For purposes of this provision, the term “youth*
 15 *conservation organizations” means not-for-profit organiza-*
 16 *tions that provide conservation service learning opportuni-*
 17 *ties for youth 16 to 25 years of age.*

18 **TITLE VIII**

19 **DEPARTMENT OF HEALTH AND HUMAN**
 20 **SERVICES**

21 **ADMINISTRATION FOR CHILDREN AND FAMILIES**

22 **REFUGEE AND ENTRANT ASSISTANCE**

23 *For an additional amount for “Refugee and Entrant*
 24 *Assistance” for necessary expenses for unaccompanied alien*
 25 *children as authorized by section 462 of the Homeland Se-*

1 *curity Act of 2002 and section 235 of the William Wilber-*
 2 *force Trafficking Victims Protection Reauthorization Act of*
 3 *2008, \$82,000,000, to remain available through September*
 4 *30, 2011: Provided, That the amount under this heading*
 5 *is designated as being for overseas deployments and other*
 6 *activities pursuant to sections 401(c)(4) and 423(a) of S.*
 7 *Con. Res. 13 (111th Congress), the concurrent resolution on*
 8 *the budget for fiscal year 2010.*

9 **GENERAL PROVISIONS—THIS TITLE**

10 *(TRANSFER OF FUNDS)*

11 *SEC. 801. Section 801(a) of division A of Public Law*
 12 *111–5 is amended by inserting “, and may be transferred*
 13 *by the Department of Labor to any other account within*
 14 *the Department for such purposes” before the end period.*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *SEC. 802. (a) Notwithstanding any other provision of*
 17 *law, during the period from September 1 through September*
 18 *30, 2009, the Secretary of Education shall transfer to the*
 19 *Career, Technical, and Adult Education account an*
 20 *amount not to exceed \$17,678,270 from amounts that would*
 21 *otherwise lapse at the end of fiscal year 2009 and that were*
 22 *originally made available under the Department of Edu-*
 23 *cation Appropriations Act, 2009 or any Department of*
 24 *Education Appropriations Act for a previous fiscal year.*

1 *the Capitol Police may not obligate any of the funds appro-*
2 *priated under this heading without approval of an obliga-*
3 *tion plan by the Committees on Appropriations of the Sen-*
4 *ate and the House of Representatives.*

5 **CONGRESSIONAL BUDGET OFFICE**

6 **SALARIES AND EXPENSES**

7 *For an additional amount for “Salaries and Ex-*
8 *penses”, \$2,000,000, to remain available until September*
9 *30, 2010.*

10 **GENERAL PROVISION—THIS TITLE**

11 *SEC. 901. The amount available to the Committee on*
12 *the Judiciary for expenses, including salaries, under section*
13 *13(b) of Senate Resolution 73, agreed to March 10, 2009,*
14 *is increased by \$500,000.*

15 **TITLE X**

16 **MILITARY CONSTRUCTION**

17 **MILITARY CONSTRUCTION, ARMY**

18 **(INCLUDING RESCISSION)**

19 *For an additional amount for “Military Construction,*
20 *Army”, \$1,229,731,000, to remain available until Sep-*
21 *tember 30, 2013: Provided, That notwithstanding any other*
22 *provision 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 none of the funds provided under this heading for*

1 *military construction projects in Afghanistan shall be obli-*
2 *gated or expended until the Secretary of Defense certifies*
3 *to the Committees on Appropriations of both Houses of Con-*
4 *gress that a prefinancing statement for each project has*
5 *been submitted to the North Atlantic Treaty Organization*
6 *(NATO) for consideration of funding by the NATO Security*
7 *Investment Program.*

8 *For an additional amount for “Military Construction,*
9 *Army”, \$49,000,000, to remain available until September*
10 *30, 2013: Provided, That notwithstanding any other provi-*
11 *sion of law, such funds may be obligated and expended to*
12 *carry out planning and design and military construction*
13 *projects not otherwise authorized by law: Provided further,*
14 *That the preceding amount in this paragraph is designated*
15 *as an emergency requirement and necessary to meet emer-*
16 *gency needs pursuant to sections 403(a) and 423(b) of S.*
17 *Con. Res. 13 (111th Congress), the concurrent resolution on*
18 *the budget for fiscal year 2010: Provided further, That of*
19 *the funds appropriated for “Military Construction, Army”*
20 *under Public Law 110–252, \$49,000,000 are hereby re-*
21 *scinded.*

22 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

23 *For an additional amount for “Military Construction,*
24 *Navy and Marine Corps”, \$243,083,000, to remain avail-*
25 *able until September 30, 2013: Provided, That notwith-*

1 *standing any other provision of law, such funds may be*
2 *obligated and expended to carry out planning and design*
3 *and military construction projects not otherwise authorized*
4 *by law.*

5 *MILITARY CONSTRUCTION, AIR FORCE*

6 *For an additional amount for “Military Construction,*
7 *Air Force”, \$265,470,000, to remain available until Sep-*
8 *tember 30, 2013: Provided, That notwithstanding any other*
9 *provision of law, such funds may be obligated and expended*
10 *to carry out planning and design and military construction*
11 *projects not otherwise authorized by law: Provided further,*
12 *That none of the funds provided under this heading for*
13 *military construction projects in Afghanistan shall be obli-*
14 *gated or expended until the Secretary of Defense certifies*
15 *to the Committees on Appropriations of both Houses of Con-*
16 *gress that a prefinancing statement for each project has*
17 *been submitted to the North Atlantic Treaty Organization*
18 *(NATO) for consideration of funding by the NATO Security*
19 *Investment Program.*

20 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

21 *For an additional amount for “Military Construction,*
22 *Defense-Wide”, \$181,500,000, to remain available until*
23 *September 30, 2013: Provided, That notwithstanding any*
24 *other provision of law, such funds may be obligated and*
25 *expended to carry out planning and design and military*

1 *construction projects not otherwise authorized by law: Pro-*
2 *vided further, That \$1,781,500,000 is hereby authorized for*
3 *fiscal years 2009 through 2013 for the purposes of this ap-*
4 *propriation.*

5 *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*
6 *INVESTMENT PROGRAM*

7 *For an additional amount for “North Atlantic Treaty*
8 *Organization Security Investment Program”,*
9 *\$100,000,000, to remain available until expended: Pro-*
10 *vided, That notwithstanding any other provision of law,*
11 *such funds are authorized for the North Atlantic Treaty Se-*
12 *curity Investment Program for purposes of section 2806 of*
13 *title 10, United States Code, and section 2502 of the Mili-*
14 *tary Construction Authorization Act for Fiscal Year 2009*
15 *(division B of Public Law 110–417).*

16 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

17 *For deposit into the Department of Defense Base Clo-*
18 *sure Account 2005, established by section 2906A(a)(1) of the*
19 *Defense Base Closure and Realignment Act of 1990 (10*
20 *U.S.C. 2687 note), \$230,900,000, to remain available until*
21 *expended: Provided, That notwithstanding any other provi-*
22 *sion of law, such funds may be obligated and expended to*
23 *carry out operation and maintenance, planning and design*
24 *and military construction projects not otherwise authorized*
25 *by law.*

1 *GENERAL PROVISIONS—THIS TITLE*

2 *SEC. 1001. None of the funds appropriated in this or*
3 *any other Act may be used to disestablish, reorganize, or*
4 *relocate the Armed Forces Institute of Pathology, except for*
5 *the Armed Forces Medical Examiner, until the President*
6 *has established, as required by section 722 of the National*
7 *Defense Authorization Act for Fiscal Year 2008 (Public*
8 *Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint*
9 *Pathology Center, and the Joint Pathology Center is demon-*
10 *strably performing the minimum requirements set forth in*
11 *section 722 of the National Defense Authorization Act for*
12 *Fiscal Year 2008.*

13 *SEC. 1002. (a) IN GENERAL.—Unless otherwise des-*
14 *ignated, each amount in this title is designated as being*
15 *for overseas deployments and other activities pursuant to*
16 *sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th*
17 *Congress), the concurrent resolution on the budget for fiscal*
18 *year 2010.*

19 *(b) EXCEPTION.—Subsection (a) shall not apply to*
20 *any amount under the heading “Military Construction, De-*
21 *fense-Wide”.*

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TITLE XI

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$645,444,000, to remain available until September 30, 2010, of which \$117,983,000 is for World Wide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to \$135,629,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That of the funds appropriated under this heading, not more than \$10,000,000 for public diplomacy activities may be transferred to, and merged with, funds made available under the heading “International Broadcasting Operations” for broadcasting activities to the Pakistan-Afghanistan border region: Provided further, That of the funds appropriated under this heading, \$57,000,000 shall be made available for aircraft acquisition, maintenance, operations and leases in Afghanistan for the Depart-

1 *ment of State and the United States Agency for Inter-*
2 *national Development (USAID), and the uses and oversight*
3 *of such aircraft shall be the responsibility of the United*
4 *States Chief of Mission in Afghanistan: Provided further,*
5 *That of the funds made available pursuant to the previous*
6 *proviso, \$40,000,000 shall be transferred to, and merged*
7 *with, funds made available under the heading “United*
8 *States Agency for International Development, Funds Ap-*
9 *propriated to the President, Operating Expenses” for the*
10 *purpose of USAID’s air services: Provided further, That*
11 *such aircraft utilized by USAID may be used to transport*
12 *Federal and non-Federal personnel supporting USAID pro-*
13 *grams and activities: Provided further, That official travel*
14 *of other agencies for other purposes may be supported on*
15 *a reimbursable basis, or without reimbursement when trav-*
16 *eling on a space available basis.*

17 *OFFICE OF INSPECTOR GENERAL*
18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For an additional amount for “Office of Inspector*
20 *General”, \$22,200,000, to remain available until September*
21 *30, 2010, of which \$7,000,000 shall be transferred to the*
22 *Special Inspector General for Iraq Reconstruction for recon-*
23 *struction oversight, and \$7,200,000 shall be transferred to*
24 *the Special Inspector General for Afghanistan Reconstruc-*
25 *tion for reconstruction oversight: Provided, That the Special*

1 *Inspector General for Afghanistan Reconstruction may ex-*
2 *ercise the authorities of subsections (b) through (i) of section*
3 *3161 of title 5, United States Code (without regard to sub-*
4 *section (a) of such section) for funds made available for fis-*
5 *cal years 2009 and 2010.*

6 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

7 *For an additional amount for “Embassy Security,*
8 *Construction, and Maintenance”, \$820,500,000, to remain*
9 *available until expended, for worldwide security upgrades,*
10 *acquisition, and construction as authorized, and shall be*
11 *made available for secure diplomatic facilities and housing*
12 *for United States mission staff in Afghanistan and Paki-*
13 *stan, and for mobile mail screening units.*

14 *INTERNATIONAL ORGANIZATIONS*

15 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

16 *ACTIVITIES*

17 *For an additional amount for “Contributions for*
18 *International Peacekeeping Activities”, \$721,000,000, to re-*
19 *main available until September 30, 2010.*

1 *UNITED STATES AGENCY FOR INTERNATIONAL*
2 *DEVELOPMENT*

3 *FUNDS APPROPRIATED TO THE PRESIDENT*

4 *OPERATING EXPENSES*

5 *For an additional amount for “Operating Expenses”,*
6 *\$112,600,000, to remain available until September 30,*
7 *2010.*

8 *CAPITAL INVESTMENT FUND*

9 *For an additional amount for “Capital Investment*
10 *Fund”, \$48,500,000, to remain available until expended.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For an additional amount for “Office of Inspector*
13 *General”, \$3,500,000, to remain available until September*
14 *30, 2010, for oversight of programs in Afghanistan and*
15 *Pakistan.*

16 *BILATERAL ECONOMIC ASSISTANCE*

17 *FUNDS APPROPRIATED TO THE PRESIDENT*

18 *GLOBAL HEALTH AND CHILD SURVIVAL*

19 *For an additional amount for “Global Health and*
20 *Child Survival”, \$50,000,000, to remain available until*
21 *September 30, 2010, notwithstanding any other provision*
22 *of law, except for the United States Leadership Against*
23 *HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public*
24 *Law 108–25), for a United States contribution to the Global*
25 *Fund to Fight AIDS, Tuberculosis and Malaria.*

1 *propriated under this heading, not less than \$11,000,000*
2 *shall be made available for the Afghan Civilian Assistance*
3 *Program: Provided further, That of the funds appropriated*
4 *under this heading, not less than \$439,000,000 shall be*
5 *made available for assistance for Pakistan, of which not*
6 *more than \$215,000,000 shall be made available for eco-*
7 *nomie growth programs, including basic education to*
8 *counter the influence of madrassas; not less than*
9 *\$50,000,000 shall be made available for assistance for inter-*
10 *nally displaced persons; and not less than \$10,000,000 shall*
11 *be made available for democracy programs, including to*
12 *strengthen democratic political parties: Provided further,*
13 *That of the funds appropriated under this heading that are*
14 *available for assistance for Afghanistan and Pakistan, not*
15 *less than \$20,000,000 shall be made available for a cross*
16 *border development program to be administered by the Spe-*
17 *cial Representative for Afghanistan and Pakistan at the De-*
18 *partment of State: Provided further, That of the funds ap-*
19 *propriated under this heading, not less than \$439,000,000*
20 *shall be made available for assistance for Iraq, of which*
21 *not less than \$50,000,000 shall be for the Community Ac-*
22 *tion Program and not less than \$10,000,000 shall be for*
23 *the Marla Ruzicka Iraqi War Victims Fund: Provided fur-*
24 *ther, That of the funds appropriated under this heading,*
25 *not less than \$150,000,000 shall be made available for as-*

1 *sistance for Jordan to mitigate the impact of the global eco-*
2 *nomie crisis, including for health, education, water and*
3 *sanitation, and other assistance for Iraqi and other refugees*
4 *in Jordan: Provided further, That of the funds appropriated*
5 *under this heading, not less than \$15,000,000 shall be made*
6 *available for assistance for Yemen; not less than*
7 *\$10,000,000 shall be made available for assistance for So-*
8 *malia; and not less than \$10,000,000 shall be made avail-*
9 *able for programs and activities to assist victims of gender-*
10 *based violence in the Democratic Republic of the Congo:*
11 *Provided further, That funds made available pursuant to*
12 *the previous proviso shall be administered by the United*
13 *States Agency for International Development: Provided fur-*
14 *ther, That none of the funds appropriated in this title for*
15 *democracy and civil society programs may be made avail-*
16 *able for the construction of facilities in the United States.*

17 *ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA*

18 *For an additional amount for “Assistance for Europe,*
19 *Eurasia and Central Asia”, \$230,000,000, to remain avail-*
20 *able until September 30, 2010, of which \$200,000,000 may*
21 *be made available for assistance for Georgia and other Eur-*
22 *asian countries: Provided, That of the funds appropriated*
23 *under this heading, \$30,000,000 may be made available for*
24 *assistance for the Kyrgyz Republic to provide a long-range*
25 *air traffic control and safety system to support air oper-*

1 *ations in the Kyrgyz Republic, including at Manas Inter-*
2 *national Airport, notwithstanding any other provision of*
3 *law.*

4 *DEPARTMENT OF STATE*

5 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

6 *ENFORCEMENT*

7 *For an additional amount for “International Nar-*
8 *cotics Control and Law Enforcement”, \$393,500,000, to re-*
9 *main available until September 30, 2010: Provided, That*
10 *of the funds appropriated under this heading, not more*
11 *than \$109,000,000 may be made available for assistance for*
12 *the West Bank and not more than \$66,000,000 may be*
13 *made available for assistance for Mexico.*

14 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*

15 *RELATED PROGRAMS*

16 *For an additional amount for “Nonproliferation,*
17 *Anti-Terrorism, Demining and Related Programs”,*
18 *\$102,000,000, to remain available until September 30,*
19 *2010: Provided, That of this amount, not more than*
20 *\$77,000,000, to remain available until expended, may be*
21 *made available for the Nonproliferation and Disarmament*
22 *Fund, notwithstanding any other provision of law, of which*
23 *not more than \$50,000,000 may be made available to en-*
24 *hance security along the Gaza border: Provided further,*
25 *That the Secretary of State shall work assiduously to facili-*

1 *tate the regular flow of people and licit goods in and out*
2 *of Gaza at established border crossings and shall submit a*
3 *report to the Committees on Appropriations not later than*
4 *45 days after enactment of this Act, and every 45 days*
5 *thereafter until September 30, 2010, detailing progress in*
6 *this effort.*

7 *MIGRATION AND REFUGEE ASSISTANCE*

8 *For an additional amount for “Migration and Refugee*
9 *Assistance”, \$345,000,000, to remain available until ex-*
10 *pended.*

11 *INTERNATIONAL SECURITY ASSISTANCE*

12 *FUNDS APPROPRIATED TO THE PRESIDENT*

13 *PEACEKEEPING OPERATIONS*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For an additional amount for “Peacekeeping Oper-*
16 *ations”, \$172,900,000, to remain available until September*
17 *30, 2010, of which \$155,900,000 may be made available to*
18 *support the African Union Mission to Somalia and which*
19 *may be transferred to, and merged with, funds appro-*
20 *priated under the heading “Contributions for International*
21 *Peacekeeping Activities” for peacekeeping in Somalia: Pro-*
22 *vided, That of the funds appropriated under this heading,*
23 *\$15,000,000 shall be made available for assistance for the*
24 *Democratic Republic of the Congo and \$2,000,000 shall be*

1 *made available for the Multinational Force and Observer*
 2 *mission in the Sinai.*

3 *INTERNATIONAL MILITARY EDUCATION AND TRAINING*

4 *For an additional amount for “International Military*
 5 *Education and Training”, \$2,000,000, to remain available*
 6 *until September 30, 2010, for assistance for Iraq.*

7 *FOREIGN MILITARY FINANCING PROGRAM*

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

11 *GENERAL PROVISIONS—THIS TITLE*

12 *AFGHANISTAN*

13 *SEC. 1101. (a) IN GENERAL.—Funds appropriated*
 14 *under the heading “Economic Support Fund” that are*
 15 *available for assistance for Afghanistan shall be made avail-*
 16 *able, to the maximum extent practicable, in a manner that*
 17 *utilizes Afghan entities and emphasizes the participation*
 18 *of Afghan women and directly improves the security, eco-*
 19 *nomical and social well-being, and political status, of Afghan*
 20 *women and girls.*

21 *(b) LIMITATION ON CONTRACTS AND GRANTS.—Funds*
 22 *appropriated under the heading “Economic Support Fund”*
 23 *that are available for assistance for Afghanistan shall not*
 24 *be used to initiate or make an amendment to any contract,*

1 *grant or cooperative agreement in an amount exceeding*
2 *\$10,000,000.*

3 *(c) ASSISTANCE FOR WOMEN AND GIRLS.—*

4 *(1) Of the funds appropriated under the heading*
5 *“International Narcotics Control and Law Enforce-*
6 *ment” that are available for assistance for Afghani-*
7 *stan, not less than \$10,000,000 shall be made avail-*
8 *able to train and support Afghan women investiga-*
9 *tors, police officers, prosecutors and judges with re-*
10 *sponsibility for investigating, prosecuting, and pun-*
11 *ishing crimes of violence against women and girls.*

12 *(2) Of the funds appropriated under the heading*
13 *“Economic Support Fund” that are available for as-*
14 *sistance for Afghanistan, not less than \$5,000,000*
15 *shall be made available for capacity building for Af-*
16 *ghan women-led nongovernmental organizations, and*
17 *not less than \$25,000,000 shall be made available to*
18 *support programs and activities of such organiza-*
19 *tions, including to provide legal assistance and train-*
20 *ing for Afghan women and girls about their rights,*
21 *and to promote women’s health (including mental*
22 *health), education, and leadership.*

23 *(d) ANTICORRUPTION.—Ten percent of the funds ap-*
24 *propriated under the heading “International Narcotics*
25 *Control and Law Enforcement” that are available for as-*

1 *sistance for the Government of Afghanistan shall be with-*
2 *held from obligation until the Secretary of State reports to*
3 *the Committees on Appropriations that the Government of*
4 *Afghanistan is implementing a policy to promptly remove*
5 *from office any government official who is credibly alleged*
6 *to have engaged in narcotics trafficking, gross violations of*
7 *human rights, or other major crimes.*

8 *(e) ACQUISITION OF PROPERTY.—Not more than*
9 *\$10,000,000 of the funds appropriated in this title may be*
10 *made available to pay for the acquisition of property for*
11 *diplomatic facilities in Afghanistan.*

12 *(f) UNITED NATIONS DEVELOPMENT PROGRAM.—None*
13 *of the funds appropriated in this title may be made avail-*
14 *able for programs and activities of the United Nations De-*
15 *velopment Program (UNDP) in Afghanistan unless the Sec-*
16 *retary of State reports to the Committees on Appropriations*
17 *that UNDP is fully cooperating with efforts of the United*
18 *States Agency for International Development (USAID) to*
19 *investigate expenditures by UNDP of USAID funds associ-*
20 *ated with the Quick Impact Program in Afghanistan, and*
21 *has agreed to reimburse USAID, if appropriate.*

22 *(g) TRAINING IN CIVILIAN-MILITARY COORDINA-*
23 *TION.—The Secretary of State, in consultation with the Sec-*
24 *retary of Defense and the Administrator of the United*
25 *States Agency for International Development, shall seek to*

1 *ensure that civilian personnel assigned to serve in Afghani-*
2 *stan receive civilian-military coordination training that fo-*
3 *cuses on counterinsurgency and stability operations, and*
4 *shall submit a report to the Committees on Appropriations*
5 *and Foreign Relations of the Senate and the Committees*
6 *on Appropriations and Foreign Affairs of the House of Rep-*
7 *resentatives not later than 90 days after the date of the en-*
8 *actment of this Act detailing how such training addresses*
9 *current and future civilian-military coordination require-*
10 *ments.*

11 *ALLOCATIONS*

12 *SEC. 1102. (a) Funds appropriated in this title for*
13 *the following accounts shall be made available for programs*
14 *and countries in the amounts contained in the respective*
15 *tables included in the report accompanying this Act:*

16 *(1) "Diplomatic and Consular Programs".*

17 *(2) "Embassy Security, Construction, and Main-*
18 *tenance".*

19 *(3) "Economic Support Fund".*

20 *(4) "International Narcotics Control and Law*
21 *Enforcement".*

22 *(b) For the purposes of implementing this section, and*
23 *only with respect to the tables included in the report accom-*
24 *panying this Act, the Secretary of State and the Adminis-*
25 *trator of the United States Agency for International Devel-*

1 *opment, as appropriate, may propose deviations to the*
2 *amounts referenced in subsection (a), subject to the regular*
3 *notification procedures of the Committees on Appropria-*
4 *tions and section 634A of the Foreign Assistance Act of*
5 *1961.*

6 *BURMA*

7 *SEC. 1103. (a) Funds appropriated under the heading*
8 *“Economic Support Fund” for humanitarian assistance for*
9 *Burma may be made available notwithstanding any other*
10 *provision of law.*

11 *(b) Not later than 30 days after enactment of this Act,*
12 *the Secretary of State shall submit to the Committees on*
13 *Appropriations a report that details the findings and rec-*
14 *ommendations of the Department of State’s review of*
15 *United States policy toward Burma.*

16 *EXTENSION OF AUTHORITIES*

17 *SEC. 1104. Funds appropriated in this title may be*
18 *obligated and expended notwithstanding section 10 of Pub-*
19 *lic Law 91–672, section 15 of the State Department Basic*
20 *Authorities Act of 1956, section 313 of the Foreign Rela-*
21 *tions Authorization Act, Fiscal Years 1994 and 1995 (Pub-*
22 *lic Law 103–236), and section 504(a)(1) of the National*
23 *Security Act of 1947 (50 U.S.C. 414(a)(1)).*

GLOBAL FINANCIAL CRISIS

1
2 *SEC. 1105. (a) IN GENERAL.—Of the funds appro-*
3 *priated under the heading “Economic Support Fund”, not*
4 *more than \$285,000,000 may be made available for assist-*
5 *ance for vulnerable populations in developing countries se-*
6 *verely affected by the global financial crisis: Provided, That*
7 *funds made available pursuant to this section may be obli-*
8 *gated only after the Administrator of the United States*
9 *Agency for International Development (USAID) submits a*
10 *report to the Committees on Appropriations detailing a*
11 *spending plan for each such country including criteria for*
12 *eligibility, proposed amounts and purposes of assistance,*
13 *and mechanisms for monitoring the uses of such assistance,*
14 *and indicating that USAID has reviewed its existing pro-*
15 *grams in such country to determine reprogramming oppor-*
16 *tunities to increase assistance for vulnerable populations:*
17 *Provided further, That funds made available pursuant to*
18 *this section shall be transferred to, and merged with, the*
19 *following accounts:*

20 (1) *Not less than \$12,000,000 for the “Develop-*
21 *ment Credit Authority”, for the cost of direct loans*
22 *and loan guarantees notwithstanding the dollar limi-*
23 *tations in such account on transfers to the account*
24 *and the principal amount of loans made or guaran-*
25 *teed with respect to any single country or borrower:*

1 *Provided, That such transferred funds may be made*
2 *available to subsidize total loan principal, any por-*
3 *tion of which is to be guaranteed, of up to*
4 *\$3,300,000,000: Provided further, That the authority*
5 *provided in this subsection is in addition to authority*
6 *provided under the heading “Development Credit Au-*
7 *thority” in Public Law 111–8: Provided further, That*
8 *and up to \$1,500,000 may be made available for ad-*
9 *ministrative expenses to carry out credit programs*
10 *administered by the United States Agency for Inter-*
11 *national Development; and*

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

18 (b) *REPROGRAMMING AUTHORITY.—Notwithstanding*
19 *any other provision of law and in addition to funds other-*
20 *wise available for such purposes, funds appropriated under*
21 *the heading “Millennium Challenge Corporation” (MCC) in*
22 *prior Acts making appropriations for the Department of*
23 *State, foreign operations, export financing, and related pro-*
24 *grams may be transferred to, and merged with, funds ap-*

1 *not less than \$20,000,000 shall be made available for tar-*
2 *geted development programs and activities in areas of con-*
3 *flict in Iraq, and the responsibility for policy decisions and*
4 *justifications for the use of such funds shall be the responsi-*
5 *bility of the United States Chief of Mission in Iraq.*

6 *PROHIBITION ON ASSISTANCE FOR HAMAS*

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

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

19 *(c) The President may exercise the authority in section*
20 *620K(e) of the Foreign Assistance Act as added by the Pal-*
21 *estinian Anti-Terrorism Act of 2006 (Public Law 109-446)*
22 *with respect to this subsection.*

23 *(d) Whenever the certification pursuant to subsection*
24 *(b) is exercised, the Secretary of State shall submit a report*
25 *to the Committees on Appropriations within 120 days of*

1 *the certification and every quarter thereafter on whether*
2 *such government, including all of its ministers or such*
3 *equivalent, are continuing to comply with the principles*
4 *contained in section 620K(b)(1)(A) and (B). The report*
5 *shall also detail the amount, purposes and delivery mecha-*
6 *nisms for any assistance provided pursuant to the*
7 *abovementioned certification and a full accounting of any*
8 *direct support of such government.*

9 *MEXICO*

10 *SEC. 1108. (a) Not later than 60 days after enactment*
11 *of this Act, the Secretary of State shall submit a report to*
12 *the Committees on Appropriations detailing actions taken*
13 *by the Government of Mexico since June 30, 2008, to inves-*
14 *tigate and prosecute violations of internationally recognized*
15 *human rights by members of the Mexican Federal police*
16 *and military forces, and to support a thorough, inde-*
17 *pendent, and credible investigation of the murder of Amer-*
18 *ican citizen Bradley Roland Will.*

19 *(b) None of the funds appropriated in this title may*
20 *be made available for the cost of fuel for helicopters provided*
21 *to Mexico, or for logistical support, including operations*
22 *and maintenance, of aircraft purchased by the Government*
23 *of Mexico.*

24 *(c) In order to enhance border security and coopera-*
25 *tion in law enforcement efforts between Mexico and the*

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

10 *MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS*

11 *SEC. 1109. (a) INTERNATIONAL DEVELOPMENT ASSO-*
12 *CIATION.—The International Development Association Act*
13 *(22 U.S.C. 284 et seq.) is amended by adding at the end*
14 *thereof the following:*

15 **“SEC. 24. FIFTEENTH REPLENISHMENT.**

16 *“(a) The United States Governor of the International*
17 *Development Association is authorized to contribute on be-*
18 *half of the United States \$3,705,000,000 to the fifteenth re-*
19 *plenishment of the resources of the Association, subject to*
20 *obtaining the necessary appropriations.*

21 *“(b) In order to pay for the United States contribution*
22 *provided for in subsection (a), there are authorized to be*
23 *appropriated, without fiscal year limitation,*
24 *\$3,705,000,000 for payment by the Secretary of the Treas-*
25 *ury.*

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

2 “(a) *The Secretary of the Treasury is authorized to*
3 *contribute, on behalf of the United States, not more than*
4 *\$356,000,000 to the International Development Association*
5 *for the purpose of funding debt relief under the Multilateral*
6 *Debt Relief Initiative in the period governed by the fifteenth*
7 *replenishment of resources of the International Development*
8 *Association, subject to obtaining the necessary appropri-*
9 *ations and without prejudice to any funding arrangements*
10 *in existence on the date of the enactment of this section.*

11 “(b) *In order to pay for the United States contribution*
12 *provided for in subsection (a), there are authorized to be*
13 *appropriated, without fiscal year limitation, not more than*
14 *\$356,000,000 for payment by the Secretary of the Treasury.*

15 “(c) *In this section, the term ‘Multilateral Debt Relief*
16 *Initiative’ means the proposal set out in the G8 Finance*
17 *Ministers’ Communique entitled ‘Conclusions on Develop-*
18 *ment,’ done at London, June 11, 2005, and reaffirmed by*
19 *G8 Heads of State at the Gleneagles Summit on July 8,*
20 *2005.’”.*

21 (b) *AFRICAN DEVELOPMENT FUND.—The African De-*
22 *velopment Fund Act (22 U.S.C. 290 et seq.) is amended*
23 *by adding at the end thereof the following:*

24 **“SEC. 219. ELEVENTH REPLENISHMENT.**

25 “(a) *The United States Governor of the Fund is au-*
26 *thorized to contribute on behalf of the United States*

1 \$468,165,000 to the eleventh replenishment of the resources
2 of the Fund, subject to obtaining the necessary appropria-
3 tions.

4 “(b) In order to pay for the United States contribution
5 provided for in subsection (a), there are authorized to be
6 appropriated, without fiscal year limitation, \$468,165,000
7 for payment by the Secretary of the Treasury.

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

9 “(a) The Secretary of the Treasury is authorized to
10 contribute, on behalf of the United States, not more than
11 \$26,000,000 to the African Development Fund for the pur-
12 pose of funding debt relief under the Multilateral Debt Re-
13 lief Initiative in the period governed by the eleventh replen-
14 ishment of resources of the African Development Fund, sub-
15 ject to obtaining the necessary appropriations and without
16 prejudice to any funding arrangements in existence on the
17 date of the enactment of this section.

18 “(b) In order to pay for the United States contribution
19 provided for in subsection (a), there are authorized to be
20 appropriated, without fiscal year limitation, not more than
21 \$26,000,000 for payment by the Secretary of the Treas-
22 ury.”.

1 *PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP*

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

5 **“SEC. 1626. REFORM OF THE ‘DOING BUSINESS’ REPORT OF**
6 **THE WORLD BANK.**

7 “(a) *The Secretary of the Treasury shall instruct the*
8 *United States Executive Directors at the International*
9 *Bank for Reconstruction and Development, the Inter-*
10 *national Development Association, and the International*
11 *Finance Corporation of the following United States policy*
12 *goals, and to use the voice and vote of the United States*
13 *to actively promote and work to achieve these goals:*

14 “(1) *Suspension of the use of the ‘Employing*
15 *Workers’ Indicator for the purpose of ranking or scor-*
16 *ing country performance in the annual Doing Busi-*
17 *ness Report of the World Bank until a set of indica-*
18 *tors can be devised that fairly represent the value of*
19 *internationally recognized workers’ rights, including*
20 *core labor standards, in creating a stable and favor-*
21 *able environment for attracting private investment.*
22 *The indicators shall bring to bear the experiences of*
23 *the member governments in dealing with the eco-*
24 *nomical, social and political complexity of labor market*
25 *issues. The indicators should be developed through col-*

1 *laborative discussions with and between the World*
2 *Bank, the International Finance Corporation, the*
3 *International Labor Organization, private companies,*
4 *and labor unions.*

5 “(2) *Elimination of the ‘Labor Tax and Social*
6 *Contributions’ Subindicator from the annual Doing*
7 *Business Report of the World Bank.*

8 “(3) *Removal of the ‘Employing Workers’ Indi-*
9 *cator as a ‘guidepost’ for calculating the annual*
10 *Country Policy and Institutional Assessment score for*
11 *each recipient country.*

12 “(b) *Within 60 days after the date of the enactment*
13 *of this section, the Secretary of the Treasury shall provide*
14 *an instruction to the United States Executive Directors re-*
15 *ferred to in subsection (a) to take appropriate actions with*
16 *respect to implementing the policy goals of the United*
17 *States set forth in subsection (a), and such instruction shall*
18 *be posted on the website of the Department of the Treasury.*

19 **“SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFEC-**
20 **TIVENESS OF THE INSPECTION PANEL PROC-**
21 **ESS OF THE WORLD BANK.**

22 “(a) *ENHANCING TRANSPARENCY IN IMPLEMENTATION*
23 *OF MANAGEMENT ACTION PLANS.—The Secretary of the*
24 *Treasury shall direct the United States Executive Directors*
25 *at the World Bank to seek to ensure that World Bank Proce-*

1 *dure 17.55, which establishes the operating procedures of*
2 *Management with regard to the Inspection Panel, provides*
3 *that Management prepare and make available to the public*
4 *semiannual progress reports describing implementation of*
5 *Action Plans considered by the Board; allow and receive*
6 *comments from Requesters and other Affected Parties for*
7 *two months after the date of disclosure of the progress re-*
8 *ports; post these comments on World Bank and Inspection*
9 *Panel websites (after receiving permission from the reques-*
10 *tors to post with or without attribution); submit the reports*
11 *to the Board with any comments received; and make public*
12 *the substance of any actions taken by the Board after Board*
13 *consideration of the reports.*

14 “(b) *SAFEGUARDING THE INDEPENDENCE AND EFFEC-*
15 *TIVENESS OF THE INSPECTION PANEL.—The Secretary of*
16 *the Treasury shall direct the United States Executive Direc-*
17 *tors at the World Bank to continue to promote the inde-*
18 *pendence and effectiveness of the Inspection Panel, includ-*
19 *ing by seeking to ensure the availability of, and access by*
20 *claimants to, the Inspection Panel for projects supported*
21 *by World Bank resources.*

22 “(c) *EVALUATION OF COUNTRY SYSTEMS.—The Sec-*
23 *retary of the Treasury shall direct the United States Execu-*
24 *tive Directors at the World Bank to request an evaluation*
25 *by the Independent Evaluation Group on the use of country*

1 *environmental and social safeguard systems to determine*
 2 *the degree to which, in practice, the use of such systems*
 3 *provides the same level of protection at the project level as*
 4 *do the policies and procedures of the World Bank.*

5 “(d) *WORLD BANK DEFINED.*—*In this section, the*
 6 *term ‘World Bank’ means the International Bank for Re-*
 7 *construction and Development and the International Devel-*
 8 *opment Association.”.*

9 *CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS*

10 *ACCOUNTING*

11 *SEC. 1111. Title XIII of the International Financial*
 12 *Institutions Act (22 U.S.C. 262m et seq.) is amended by*
 13 *adding at the end thereof the following:*

14 “**SEC. 1308. CLIMATE CHANGE MITIGATION AND GREEN-**
 15 **HOUSE GAS ACCOUNTING.**

16 “(a) *USE OF GREENHOUSE GAS ACCOUNTING.*—*The*
 17 *Secretary of the Treasury shall seek to ensure that multilat-*
 18 *eral development banks (as defined in section 1701(c)(4) of*
 19 *this Act) adopt and implement greenhouse gas accounting*
 20 *in analyzing the benefits and costs of individual projects*
 21 *(excluding those with de minimus greenhouse gas emissions)*
 22 *for which funding is sought from the bank.*

23 “(b) *EXPANSION OF CLIMATE CHANGE MITIGATION*
 24 *ACTIVITIES.*—*The Secretary of the Treasury shall work to*
 25 *ensure that the multilateral development banks (as defined*

1 *in section 1701(c)(4)) expand their activities supporting*
2 *climate change mitigation by—*

3 “(1) *significantly expanding support for invest-*
4 *ments in energy efficiency and renewable energy, in-*
5 *cluding zero carbon technologies;*

6 “(2) *reviewing all proposed infrastructure invest-*
7 *ments to ensure that all opportunities for integrating*
8 *energy efficiency measures have been considered;*

9 “(3) *increasing the dialogue with the govern-*
10 *ments of developing countries regarding—*

11 “(A) *analysis and policy measures needed*
12 *for low carbon emission economic development;*
13 *and*

14 “(B) *reforms needed to promote private sec-*
15 *tor investments in energy efficiency and renew-*
16 *able energy, including zero carbon technologies;*
17 *and*

18 “(4) *integrate low carbon emission economic de-*
19 *velopment objectives into multilateral development*
20 *bank country strategies.*

21 “(c) *REPORT TO CONGRESS.—Not later than 1 year*
22 *after the date of the enactment of this section, and annually*
23 *thereafter, the Secretary of the Treasury shall submit a re-*
24 *port on the status of efforts to implement this section to*
25 *the Committee on Foreign Relations and the Committee on*

1 *Appropriations of the Senate and the Committee on Finan-*
2 *cial Services and the Committee on Appropriations of the*
3 *House of Representatives.”.*

4 *MULTILATERAL DEVELOPMENT BANK REFORM*

5 *SEC. 1112. (a) BUDGET DISCLOSURE.—The Secretary*
6 *of the Treasury shall seek to ensure that the multilateral*
7 *development banks make timely, public disclosure of their*
8 *operating budgets including expenses for staff, consultants,*
9 *travel and facilities.*

10 *(b) EVALUATION.—The Secretary of the Treasury shall*
11 *seek to ensure that multilateral development banks rigor-*
12 *ously evaluate the development impact of selected bank*
13 *projects, programs, and financing operations, and empha-*
14 *size use of random assignment in conducting such evalua-*
15 *tions, where appropriate and to the extent feasible.*

16 *(c) EXTRACTIVE INDUSTRIES.—The Secretary of the*
17 *Treasury shall direct the United States Executive Directors*
18 *at the multilateral development banks to promote the en-*
19 *dorsement of the Extractive Industry Transparency Initia-*
20 *tive (EITI) by these institutions and the integration of the*
21 *principles of the EITI into extractive industry-related*
22 *projects that are funded by the multilateral development*
23 *banks.*

24 *(d) REPORT.—Not later than September 30, 2009, the*
25 *Secretary of the Treasury shall submit a report to the Com-*

1 *mittee on Appropriations and the Committee on Foreign*
2 *Relations of the Senate, and the Committee on Appropria-*
3 *tions and the Committee on Foreign Affairs of the House,*
4 *detailing actions taken by the multilateral development*
5 *banks to achieve the objectives of this section.*

6 *(e) COORDINATION OF DEVELOPMENT POLICY.—The*
7 *Secretary of the Treasury shall coordinate the formulation*
8 *and implementation of United States policy relating to the*
9 *development activities of the World Bank Group with the*
10 *Secretary of State, the Administrator of the United States*
11 *Agency for International Development, and other Federal*
12 *agencies, as appropriate.*

13 *OVERSEAS COMPARABILITY PAY ADJUSTMENT*

14 *SEC. 1113. (a) Subject to such regulations prescribed*
15 *by the Secretary of State, including with respect to phase-*
16 *in schedule and treatment as basic pay, and notwith-*
17 *standing any other provision of law, funds appropriated*
18 *for this fiscal year in this or any other Act may be used*
19 *to pay an eligible member of the Foreign Service as defined*
20 *in subsection (b) of this section a locality-based com-*
21 *parability payment (stated as a percentage) up to the*
22 *amount of the locality-based comparability payment (stated*
23 *as a percentage) that would be payable to such member*
24 *under section 5304 of title 5, United States Code if such*

1 *member's official duty station were in the District of Co-*
2 *lumbia.*

3 *(b) A member of the Service shall be eligible for a pay-*
4 *ment under this section only if the member is designated*
5 *class 1 or below for purposes of section 403 of the Foreign*
6 *Service Act of 1980 (22 U.S.C. 3963) and the member's offi-*
7 *cial duty station is not in the continental United States*
8 *or in a non-foreign area, as defined in section 591.205 of*
9 *title 5, Code of Federal Regulations.*

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

15 *ASSESSMENT ON AFGHANISTAN AND PAKISTAN*

16 *SEC. 1114. (a) FINDING.—The Congress supports eco-*
17 *nomie and security assistance for Afghanistan and Paki-*
18 *stan, but long-term stability and security in those countries*
19 *is tied more to the capacity and conduct of the Afghan and*
20 *Pakistani governments and the resolve of both societies for*
21 *peace and stability, to include combating extremist net-*
22 *works, than it is to the policies of the United States.*

23 *(b) REPORT.—The President shall submit a report to*
24 *the appropriate congressional committees, not later than 90*
25 *days after the date of enactment of this Act and every 6*

1 months thereafter until September 30, 2010, in classified
2 form if necessary, assessing the extent to which the Afghan
3 and Pakistani governments are demonstrating the necessary
4 commitment, capability, conduct and unity of purpose to
5 warrant the continuation of the President's policy an-
6 nounced on March 27, 2009, to include:

7 (1) The level of political consensus and unity of
8 purpose across ethnic, tribal, religious and political
9 party affiliations to confront the political and secu-
10 rity challenges facing the region;

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

14 (3) The actions taken by the respective security
15 forces and appropriate government entities in devel-
16 oping a counterinsurgency capability, conducting
17 counterinsurgency operations, and establishing secu-
18 rity and governance on the ground;

19 (4) The actions taken by the respective intel-
20 ligence agencies in cooperating with the United States
21 on counterinsurgency and counterterrorism operations
22 and in terminating policies and programs, and re-
23 moving personnel, that provide material support to
24 extremist networks that target United States troops or
25 undermine United States objectives in the region;

1 (2) *Since 2001, the United States has provided*
2 *more than \$12,000,000,000 in economic and security*
3 *assistance to Pakistan;*

4 (3) *Afghanistan and Pakistan are facing grave*
5 *threats to their internal security from a growing in-*
6 *surgency fueled by al Qaeda, the Taliban and other*
7 *violent extremist groups operating in areas along the*
8 *Afghanistan-Pakistan border; and*

9 (4) *The United States is committed to sup-*
10 *porting vigorous efforts by the Government of Paki-*
11 *stan to secure Pakistan's western border and counter*
12 *violent extremism, expand government services, sup-*
13 *port economic development, combat corruption and*
14 *uphold the rule of law in such areas.*

15 (b) *REPORT.—Not later than 90 days after enactment*
16 *of this Act, the Secretary of State shall submit a report,*
17 *in classified form if necessary, to the Committees on Appro-*
18 *priations detailing—*

19 (1) *a spending plan for the proposed uses of*
20 *funds appropriated in this title under the headings*
21 *“Economic Support Fund” and “International Nar-*
22 *cotics Control and Law Enforcement” that are avail-*
23 *able for assistance for Pakistan including amounts,*
24 *the purposes for which funds are to be made available,*
25 *and intended results;*

1 *Committees on Appropriations a report detailing planned*
2 *expenditures for funds appropriated in this title, except for*
3 *funds appropriated under the headings “International Dis-*
4 *aster Assistance” and “Migration and Refugee Assistance”.*

5 (b) *NOTIFICATION.*—*Funds appropriated in this title,*
6 *with the exception of funds appropriated under the headings*
7 *“International Disaster Assistance” and “Migration and*
8 *Refugee Assistance”, shall be subject to the regular notifica-*
9 *tion procedures of the Committees on Appropriations and*
10 *section 634A of the Foreign Assistance Act of 1961.*

11 *TECHNICAL PROVISIONS*

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

21 (b) *NOTIFICATION REQUIREMENT.*—*Funds appro-*
22 *priated by this Act that are transferred to the Department*
23 *of State or the United States Agency for International De-*
24 *velopment shall be subject to the regular notification proce-*

1 *dures of the Committees on Appropriations, notwith-*
2 *standing any other provision of law.*

3 (c) *AUTHORITY.—Funds appropriated in this title,*
4 *and subsequent and prior acts appropriating funds for De-*
5 *partment of State, Foreign Operations, and Related Pro-*
6 *grams and under the heading “Public Law 480 Title II*
7 *Grants” in this, subsequent, and prior Acts appropriating*
8 *funds for Agriculture, Rural Development, Food and Drug*
9 *Administration, and Related Agencies, shall be made avail-*
10 *able notwithstanding the requirements of and amendments*
11 *made by section 3511 of Public Law 110–417.*

12 (d) *REEMPLOYMENT OF ANNUITANTS.—*

13 (1) *Section 824 of the Foreign Service Act of*
14 *1980 (22 U.S.C. 4064) is amended in subsection*
15 *(g)(1)(B) by inserting “, Pakistan,” after “Iraq” each*
16 *place it appears; by inserting “to positions in the Re-*
17 *sponse Readiness Corps,” before “or to posts vacated”;*
18 *and, in subsection (g)(2) by striking “2009” and in-*
19 *serting instead “2012”.*

20 (2) *Section 61 of the State Department Basic*
21 *Authorities Act of 1956 (22 U.S.C. 2733) is amended*
22 *in subsection (a)(1) by adding “, Pakistan,” after*
23 *“Iraq” each place it appears; by inserting “, to posi-*
24 *tions in the Response Readiness Corps,” before “or to*

1 *posts vacated*”; and, in subsection (a)(2) by striking
2 “2008” and inserting instead “2012”.

3 (3) Section 625 of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2385) is amended in subsection
5 (j)(1)(A) by adding “, Pakistan,” after “Iraq” each
6 place it appears; by inserting “, to positions in the
7 Response Readiness Corps,” before “or to posts va-
8 cated”; and, in subsection (J)(1)(B) by striking
9 “2008” and inserting instead “2012”.

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

19 (f) Of the funds appropriated under the heading “For-
20 eign Military Financing Program” in Public Law 110–161
21 that are available for assistance for Colombia, \$500,000
22 may be transferred to, and merged with, funds appro-
23 priated under the heading “International Narcotics Control
24 and Law Enforcement” to provide medical and rehabilita-

1 *tion assistance for members of Colombian security forces*
2 *who have suffered severe injuries.*

3 *TERMS AND CONDITIONS*

4 *SEC. 1119. Unless otherwise provided for in this Act,*
5 *funds appropriated or otherwise made available in this title*
6 *shall be available under the authorities and conditions pro-*
7 *vided in the Department of State, Foreign Operations, and*
8 *Related Programs Appropriations Act, 2009 (division H of*
9 *Public Law 111–8), except that sections 7042(a) and (c)*
10 *and 7070(e)(2) of such Act shall not apply to such funds.*

11 *OVERSEAS DEPLOYMENTS*

12 *SEC. 1120. Each amount in this title is designated as*
13 *being for overseas deployments and other activities pursu-*
14 *ant to sections 401(c)(4) and 423(a) of S. Con. Res. 13*
15 *(111th Congress), the concurrent resolution on the budget*
16 *for fiscal year 2010.*

17 *AFGHANISTAN AND PAKISTAN POLICY*

18 *SEC. 1121. (a) OBJECTIVES FOR AFGHANISTAN AND*
19 *PAKISTAN.—Not later than 60 days after the date of the*
20 *enactment of this Act, the President shall develop and sub-*
21 *mit to the appropriate committees of Congress the following:*

22 *(1) A clear statement of the objectives of United*
23 *States policy with respect to Afghanistan and Paki-*
24 *stan.*

1 (2) *Metrics to be utilized to assess progress to-*
2 *ward achieving the objectives developed under para-*
3 *graph (1).*

4 **(b) REPORTS.—**

5 (1) *IN GENERAL.—Not later than March 30,*
6 *2010 and every 120 days thereafter until September*
7 *30, 2011, the President, in consultation with Coali-*
8 *tion partners as appropriate, shall submit to the ap-*
9 *propriate committees of Congress a report setting*
10 *forth the following:*

11 (A) *A description and assessment of the*
12 *progress of United States Government efforts, in-*
13 *cluding those of the Department of Defense, the*
14 *Department of State, the United States Agency*
15 *for International Development, and the Depart-*
16 *ment of Justice, in achieving the objectives for*
17 *Afghanistan and Pakistan developed under sub-*
18 *section (a)(1).*

19 (B) *Any modification of the metrics devel-*
20 *oped under subsection (a)(2) in light of cir-*
21 *cumstances in Afghanistan or Pakistan, together*
22 *with a justification for such modification.*

23 (C) *Recommendations for the additional re-*
24 *sources or authorities, if any, required to achieve*
25 *such objectives for Afghanistan and Pakistan.*

1 (2) *FORM.*—Each report under this subsection
2 may be submitted in classified or unclassified form.
3 Any report submitted in classified form shall include
4 an unclassified annex or summary of the matters con-
5 tained in the report.

6 (3) *APPROPRIATE COMMITTEES OF CONGRESS*
7 *DEFINED.*—In this subsection, the term “appropriate
8 committees of Congress” means—

9 (A) the Committees on Armed Services, Ap-
10 propriations, Foreign Relations, Homeland Se-
11 curity and Governmental Affairs, and the Judi-
12 ciary and the Select Committee on Intelligence of
13 the Senate; and

14 (B) the Committees on Armed Services, Ap-
15 propriations, Foreign Affairs, Homeland Secu-
16 rity, and the Judiciary and the Permanent Se-
17 lect Committee on Intelligence of the House of
18 Representatives.

19 *ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA*

20 *SEC. 1122.* The amount appropriated by this title
21 under the heading “Assistance for Europe, Eurasia and
22 Central Asia” may be increased by up to \$42,500,000, with
23 the amount of the increase to be available for assistance for
24 Georgia.

1 *TITLE XII*
2 *DEPARTMENT OF TRANSPORTATION*
3 *OFFICE OF THE SECRETARY*
4 *PAYMENTS TO AIR CARRIERS*
5 *(AIRPORT AND AIRWAY TRUST FUND)*

6 *In addition to funds made available under Public Law*
7 *111–8 and funds authorized under subsection 41742(a)(1)*
8 *of title 49, United States Code, to carry out the essential*
9 *air service program, to be derived from the Airport and Air-*
10 *way Trust Fund, \$13,200,000, to remain available until*
11 *expended.*

12 *FEDERAL AVIATION ADMINISTRATION*
13 *GRANTS-IN-AID FOR AIRPORTS*
14 *(AIRPORT AND AIRWAY TRUST FUND)*
15 *(RESCISSION)*

16 *Of the amounts authorized under sections 48103 and*
17 *48112 of title 49, United States Code, \$13,200,000 are per-*
18 *manently rescinded from amounts authorized for the fiscal*
19 *year ending September 30, 2008.*

20 *GENERAL PROVISIONS—THIS TITLE*

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

23 *(1) in paragraph (1) by striking “expenditures”*
24 *each place that it appears and inserting “alloca-*
25 *tions”; and*

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

3 SEC. 1202. A recipient and subrecipient of funds ap-
4 propriated in Public Law 111–5 and apportioned pursuant
5 to section 5311 and section 5336 (other than subsection
6 (i)(1) and (j)) of title 49, United States Code, may use up
7 to 10 percent of the amount apportioned for the operating
8 costs of equipment and facilities for use in public transpor-
9 tation: Provided, That a grant obligating such funds prior
10 to the date of the enactment of this Act may be amended
11 to allow a recipient and subrecipient to use the funds made
12 available for operating assistance: Provided further, That
13 such funds are designated as an emergency requirement
14 pursuant to section 403 of S. Con. Res. 13 (111th Congress),
15 the concurrent resolution on the budget for fiscal year 2010.

16 SEC. 1203. Public Law 110–329, under the heading
17 “Project-Based Rental Assistance”, is amended by striking
18 “project-based vouchers” and all that follows up to the pe-
19 riod and inserting “activities and assistance for the provi-
20 sion of tenant-based rental assistance, including related ad-
21 ministrative expenses, as authorized under the United
22 States Housing Act of 1937, as amended (42 U.S.C. 1437
23 et seq.), \$80,000,000, to remain available until expended:
24 Provided, That such funds shall be made available within
25 60 days of the enactment of this Act: Provided further, That

1 *in carrying out the activities authorized under this heading,*
 2 *the Secretary shall waive section (o)(13)(B) of the United*
 3 *States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B))”:*
 4 *Provided, That such additional funds are designated as an*
 5 *emergency requirement pursuant to section 403 of S. Con.*
 6 *Res. 13 (111th Congress), the concurrent resolution on the*
 7 *budget for fiscal year 2010.*

8 *SEC. 1204. Public Law 111–5 is amended by striking*
 9 *the second proviso under the heading “HOME Investment*
 10 *Partnerships Program” and inserting “Provided further,*
 11 *That the housing credit agencies in each State shall dis-*
 12 *tribute these funds competitively under this heading and*
 13 *pursuant to their qualified allocation plan (as defined in*
 14 *section 42(m) of the Internal Revenue Code of 1986) to own-*
 15 *ers of projects who have received or receive simultaneously*
 16 *an award of low-income housing tax credits under sections*
 17 *42(h) and 1400N of the Internal Revenue Code of 1986.”.*

18 *TITLE XIII*

19 *OTHER MATTERS*

20 *INTERNATIONAL ASSISTANCE PROGRAMS*

21 *INTERNATIONAL MONETARY PROGRAMS*

22 *UNITED STATES QUOTA, INTERNATIONAL MONETARY*

23 *FUND*

24 *For an increase in the United States quota in the*
 25 *International Monetary Fund, the dollar equivalent of*

1 4,973,100,000 *Special Drawing Rights*, to remain available
2 until expended: *Provided, That the cost of the amounts pro-*
3 *vided herein shall be determined as provided under the Fed-*
4 *eral Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): Pro-*
5 *vided further, That for purposes of section 502(5) of the*
6 *Federal Credit Reform Act of 1990, the discount rate in*
7 *section 502(5)(E) shall be adjusted for market risks: Pro-*
8 *vided further, That section 504(b) of the Federal Credit Re-*
9 *form Act of 1990 (2 U.S.C. 661c(b)) shall not apply.*

10 *LOANS TO INTERNATIONAL MONETARY FUND*

11 *For loans to the International Monetary Fund under*
12 *section 17(a)(ii) and (b)(ii) of the Bretton Woods Agree-*
13 *ments Act (Public Law 87-490, 22 U.S.C. 286e-2), as*
14 *amended by this Act pursuant to the New Arrangements*
15 *to Borrow, the dollar equivalent of up to 75,000,000,000*
16 *Special Drawing Rights, to remain available until ex-*
17 *pended, in addition to any amounts previously appro-*
18 *priated under section 17 of such Act: Provided, That if the*
19 *United States agrees to an expansion of its credit arrange-*
20 *ment in an amount less than the dollar equivalent of*
21 *75,000,000,000 Special Drawing Rights, any amount over*
22 *the United States' agreement shall not be available until*
23 *further appropriated: Provided further, That the cost of the*
24 *amounts provided herein shall be determined as provided*
25 *under the Federal Credit Reform Act of 1990 (2 U.S.C. 661*

1 *et. seq.): Provided further, That for purposes of section*
2 *502(5) of the Federal Credit Reform Act of 1990, the dis-*
3 *count rate in section 502(5)(E) shall be adjusted for market*
4 *risks: Provided further, That section 504(b) of the Federal*
5 *Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not*
6 *apply.*

7 **GENERAL PROVISIONS—INTERNATIONAL**

8 **ASSISTANCE PROGRAMS**

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

11 *(1) in subsection (a)—*

12 *(A) by inserting “(1)” before “In order to”;*

13 *and*

14 *(B) by adding at the end the following:*

15 *“(2) In order to carry out the purposes of a one-*
16 *time decision of the Executive Directors of the Inter-*
17 *national Monetary Fund (the Fund) to expand the re-*
18 *sources of the New Arrangements to Borrow, estab-*
19 *lished pursuant to the decision of January 27, 1997*
20 *referred to in paragraph (1) above, and to make other*
21 *amendments to the New Arrangements to Borrow to*
22 *achieve an expanded and more flexible New Arrange-*
23 *ments to Borrow as contemplated by paragraph 17 of*
24 *the G-20 Leaders’ Statement of April 2, 2009 in Lon-*
25 *don, the Secretary of the Treasury is authorized to in-*

1 *struct the United States Executive Director to consent*
2 *to such amendments notwithstanding subsection (d) of*
3 *this section, and to make loans, in an amount not to*
4 *exceed the dollar equivalent of 75,000,000,000 Special*
5 *Drawing Rights, in addition to any amounts pre-*
6 *viously authorized under this section and limited to*
7 *such amounts as are provided in advance in appro-*
8 *propriations Acts, except that prior to activation, the*
9 *Secretary of the Treasury shall report to Congress on*
10 *whether supplementary resources are needed to fore-*
11 *stall or cope with an impairment of the international*
12 *monetary system and whether the Fund has fully ex-*
13 *plored other means of funding, to the Fund under ar-*
14 *ticle VII, section 1(i), of the Articles of Agreement of*
15 *the Fund: Provided, That prior to instructing the*
16 *United States Executive Director to provide consent*
17 *to such amendments, the Secretary of the Treasury*
18 *shall consult with the Committee on Foreign Rela-*
19 *tions and the Committee on Banking, Housing, and*
20 *Urban Affairs of the Senate and the Committee on*
21 *Financial Services of the House of Representatives on*
22 *the amendments to be made to the New Arrangements*
23 *to Borrow, including guidelines and criteria gov-*
24 *erning the use of its resources; the countries that have*
25 *made commitments to contribute to the New Arrange-*

1 *ments to Borrow and the amount of such commit-*
2 *ments; and the steps taken by the United States to ex-*
3 *pend the number of countries so the United States*
4 *share of the expanded New Arrangements to Borrow*
5 *is representative of its share as of the date of enact-*
6 *ment of this Act: Provided further, That any loan*
7 *under the authority granted in this subsection shall be*
8 *made with due regard to the present and prospective*
9 *balance of payments and reserve position of the*
10 *United States.”.*

11 *and*

12 *(2) in subsection (b)—*

13 *(A) by inserting “(1)” before “For the pur-*
14 *pose of”;*

15 *(B) by inserting “subsection (a)(1) of” after*
16 *“pursuant to”; and*

17 *(C) by adding at the end the following:*

18 *“(2) For the purpose of making loans to the*
19 *International Monetary Fund pursuant to subsection*
20 *(a)(2) of this section, there is hereby authorized to be*
21 *appropriated not to exceed the dollar equivalent of*
22 *75,000,000,000 Special Drawing Rights, in addition*
23 *to any amounts previously authorized under this sec-*
24 *tion, except that prior to activation, the Secretary of*
25 *the Treasury shall report to Congress on whether sup-*

1 plementary resources are needed to forestall or cope
 2 with an impairment of the international monetary
 3 system and whether the Fund has fully explored other
 4 means of funding, to remain available until expended
 5 to meet calls by the Fund. Any payments made to the
 6 United States by the Fund as a repayment on ac-
 7 count of the principal of a loan made under this sec-
 8 tion shall continue to be available for loans to the
 9 Fund.”.

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

13 **“SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES**
 14 **OF AGREEMENT OF THE FUND.**

15 “The United States Governor of the Fund may agree
 16 to and accept the amendments to the Articles of Agreement
 17 of the Fund as proposed in the resolutions numbered 63–
 18 2 and 63–3 of the Board of Governors of the Fund which
 19 were approved by such Board on April 28, 2008 and May
 20 5, 2008, respectively.

21 **“SEC. 65. QUOTA INCREASE.**

22 “(a) *IN GENERAL.*—The United States Governor of the
 23 Fund may consent to an increase in the quota of the United
 24 States in the Fund equivalent to 4,973,100,000 Special
 25 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 “(a) *The Secretary of the Treasury is authorized to*
8 *instruct the United States Executive Director of the Fund*
9 *to vote to approve the sale of up to 12,965,649 ounces of*
10 *the Fund’s gold acquired since the second Amendment to*
11 *the Fund’s Articles of Agreement, only if such sales are con-*
12 *sistent with the guidelines agreed to by the Executive Board*
13 *of the Fund described in the Report of the Managing Direc-*
14 *tor to the International Monetary and Financial Committee*
15 *on a New Income and Expenditure Framework for the*
16 *International Monetary Fund (April 9, 2008) to prevent*
17 *disruption to the world gold market: Provided, That at least*
18 *30 days prior to any such vote, the Secretary shall consult*
19 *with the Committee on Foreign Relations and the Com-*
20 *mittee on Banking, Housing, and Urban Affairs of the Sen-*
21 *ate and the Committee on Financial Services of the House*
22 *of Representatives regarding the use of proceeds from the*
23 *sale of such gold: Provided further, That the Secretary of*
24 *the Treasury shall seek to ensure that:*

1 “(1) the Fund will provide support to low-in-
2 come countries that are eligible for the Poverty Reduc-
3 tion and Growth Facility or other low-income lending
4 from the Fund by making available Fund resources of
5 not less than \$4 billion;

6 “(2) such Fund resources referenced above will be
7 used to leverage additional support by a significant
8 multiple to provide loans with substantial
9 concessionality and debt service payment relief and/
10 or grants, as appropriate to a country’s cir-
11 cumstances:

12 “(3) support provided through forgiveness of in-
13 terest on concessional loans will be provided for not
14 less than two years; and

15 “(4) the support provided to low-income coun-
16 tries occurs within six years, a substantial amount of
17 which shall occur within the initial two years.

18 “(b) 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 United
21 States Governor is authorized, consistent with subsection
22 (a), to take such actions as may be necessary, including
23 those referred to in section 5(e) of this Act, to also use such
24 proceeds for the purpose of assisting low-income countries.

1 **“SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES**
2 **OF AGREEMENT OF THE FUND.**

3 *“The United States Governor of the Fund may agree*
4 *to and accept the amendment to the Articles of Agreement*
5 *of the Fund as proposed in the resolution numbered 54–*
6 *4 of the Board of Governors of the Fund which was ap-*
7 *proved by such Board on October 22, 1997: Provided, That*
8 *not more than one year after the acceptance of such amend-*
9 *ments to the Fund’s Articles of Agreement, the Secretary*
10 *of the Treasury shall submit a report to the Committee on*
11 *Foreign Relations and the Committee on Banking, Hous-*
12 *ing, and Urban Affairs of the Senate and the Committee*
13 *on Financial Services of the House of Representatives ana-*
14 *lyzing Special Drawing Rights, to include a discussion of*
15 *how those countries that significantly use or acquire Special*
16 *Drawing Rights in accordance with Article XIX, Section*
17 *2(c), use or acquire them; the extent to which countries expe-*
18 *riencing balance of payment difficulties exchange or use*
19 *their Special Drawing Rights to acquire reserve currencies;*
20 *and the manner in which those reserve currencies are ac-*
21 *quired when utilizing Special Drawing Rights.”.*

22 *SEC. 1303. (a) Not later than 30 days after enactment*
23 *of this Act, the Secretary of the Treasury, in consultation*
24 *with the Executive Director of the World Bank and the Ex-*
25 *ecutive Board of the International Monetary Fund (IMF),*
26 *shall submit a report to the appropriate congressional com-*

1 *mittees detailing the steps taken to coordinate the activities*
2 *of the World Bank and the IMF to avoid duplication of*
3 *missions and programs, and steps taken by the Department*
4 *of the Treasury and the IMF to increase the oversight and*
5 *accountability of IMF activities.*

6 *(b) For the purposes of this section, the “appropriate*
7 *congressional committees” means the Committees on Appro-*
8 *priations, Banking, Housing, and Urban Affairs, and For-*
9 *ign Relations of the Senate, and the Committees on Appro-*
10 *priations, Foreign Affairs, and Ways and Means of the*
11 *House of Representatives.*

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

22 *(d) The Secretary of the Treasury shall instruct the*
23 *United States Executive Director of the International Mon-*
24 *etary Fund to use the voice and vote of the United States*
25 *to oppose any loan, project, agreement, memorandum, in-*

1 *strument, plan, or other program of the Fund to a Heavily*
 2 *Indebted Poor Country that imposes budget caps or re-*
 3 *straints that do not allow the maintenance of or an increase*
 4 *in governmental spending on health care or education; and*
 5 *to promote government spending on health care, education,*
 6 *food aid, or other critical safety net programs in all of the*
 7 *Fund’s activities with respect to Heavily Indebted Poor*
 8 *Countries.*

9 *SEC. 1304. Each amount in this title is designated as*
 10 *being for overseas deployments and other activities pursu-*
 11 *ant to sections 401(c)(4) and 423(a) of S. Con. Res. 13*
 12 *(111th Congress), the concurrent resolution on the budget*
 13 *for fiscal year 2010.*

14 *DETAINEE PHOTOGRAPHIC RECORDS PROTECTION*

15 *SEC. 1305. (a) SHORT TITLE.—This section may be*
 16 *cited as the “Detainee Photographic Records Protection Act*
 17 *of 2009”.*

18 *(b) DEFINITIONS.—In this section:*

19 *(1) COVERED RECORD.—The term “covered*
 20 *record” means any record—*

21 *(A) that is a photograph that was taken be-*
 22 *tween September 11, 2001 and January 22, 2009*
 23 *relating to the treatment of individuals engaged,*
 24 *captured, or detained after September 11, 2001,*

1 *by the Armed Forces of the United States in op-*
2 *erations outside of the United States; and*

3 *(B) for which a certification by the Sec-*
4 *retary of Defense under subsection (c) is in effect.*

5 (2) *PHOTOGRAPH.*—*The term “photograph” en-*
6 *compasses all photographic images, whether originals*
7 *or copies, including still photographs, negatives, dig-*
8 *ital images, films, video tapes, and motion pictures.*

9 (c) *CERTIFICATION.*—

10 (1) *IN GENERAL.*—*For any photograph described*
11 *under subsection (b)(1)(A), the Secretary of Defense*
12 *shall certify, if the Secretary of Defense, in consulta-*
13 *tion with the Chairman of the Joint Chiefs of Staff,*
14 *determines that the disclosure of that photograph*
15 *would endanger—*

16 (A) *citizens of the United States; or*

17 (B) *members of the Armed Forces or em-*
18 *ployees of the United States Government de-*
19 *ployed outside the United States.*

20 (2) *CERTIFICATION EXPIRATION.*—*A certification*
21 *submitted under paragraph (1) and a renewal of a*
22 *certification submitted under paragraph (3) shall ex-*
23 *pire 3 years after the date on which the certification*
24 *or renewal, as the case may be, is submitted to the*
25 *President.*

1 *SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS*

2 *SEC. 1307. Section 552(b) of title 5, United States*
3 *Code, is amended by striking paragraph (3) and inserting*
4 *the following:*

5 *“(3) specifically exempted from disclosure by*
6 *statute (other than section 552b of this title), if that*
7 *statute—*

8 *“(A)(i) requires that the matters be withheld*
9 *from the public in such a manner as to leave no*
10 *discretion on the issue; or*

11 *“(ii) establishes particular criteria for*
12 *withholding or refers to particular types of*
13 *matters to be withheld; and*

14 *“(B) if enacted after the date of enactment*
15 *of the OPEN FOIA Act of 2009, specifically cites*
16 *to this paragraph.”.*

17 *GENERAL PROVISION—THIS ACT*18 *AVAILABILITY OF FUNDS*

19 *SEC. 1308. No part of any appropriation contained*
20 *in this Act shall remain available for obligation beyond the*
21 *current fiscal year unless expressly so provided herein.*

1 *This Act may be cited as the “Supplemental Appro-*
2 *priations Act, 2009”.*

Attest:

Secretary.

11TH CONGRESS
1ST SESSION

H.R. 2346

AMENDMENT