

Calendar No. 63

111TH CONGRESS
1ST SESSION

H. R. 2346

IN THE SENATE OF THE UNITED STATES

MAY 14, 2009

Received; read twice and placed on the calendar

AN ACT

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

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

1 TITLE I—DEFENSE MATTERS

2 DEPARTMENT OF DEFENSE

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$10,924,641,000.

7 MILITARY PERSONNEL, NAVY

8 For an additional amount for “Military Personnel,
9 Navy”, \$1,716,827,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For an additional amount for “Military Personnel,
12 Marine Corps”, \$1,577,850,000.

13 MILITARY PERSONNEL, AIR FORCE

14 For an additional amount for “Military Personnel,
15 Air Force”, \$1,783,208,000.

16 RESERVE PERSONNEL, ARMY

17 For an additional amount for “Reserve Personnel,
18 Army”, \$381,155,000.

19 RESERVE PERSONNEL, NAVY

20 For an additional amount for “Reserve Personnel,
21 Navy”, \$39,478,000.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$29,179,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For an additional amount for “Reserve Personnel,
3 Air Force”, \$16,943,000.

4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for “National Guard Per-
6 sonnel, Army”, \$1,373,273,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For an additional amount for “National Guard Per-
9 sonnel, Air Force”, \$101,360,000.

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for “Operation and Main-
13 tenance, Army”, \$14,024,703,000.

14 OPERATION AND MAINTENANCE, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for “Operation and Main-
17 tenance, Navy”, \$2,367,959,000: *Provided*, That up to
18 \$129,503,000 may be transferred to the Coast Guard
19 “Operating Expenses” account.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps”, \$1,084,081,000.

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$6,216,729,000.

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Operation and Main-
4 tenance, Defense-Wide”, \$5,353,701,000, of which—

5 (1) not to exceed \$10,000,000 shall be available
6 for the Combatant Commander Initiative Fund, to
7 be used in support of Operation Iraqi Freedom and
8 Operation Enduring Freedom;

9 (2) not to exceed \$810,000,000, to remain
10 available until expended, shall be for payments to re-
11 imburse Pakistan, Jordan, and other key cooper-
12 ating nations, for logistical, military, and other sup-
13 port including access provided, or to be provided, to
14 United States military operations in support of Op-
15 eration Iraqi Freedom and Operation Enduring
16 Freedom, notwithstanding any other provision of
17 law: *Provided*, That such reimbursement payments
18 may be made, at the discretion of the Secretary of
19 Defense, in such amounts as the Secretary of De-
20 fense, with the concurrence of the Secretary of
21 State, and in consultation with the Director of the
22 Office of Management and Budget, may determine,
23 based on documentation determined by the Secretary
24 of Defense to adequately account for the support
25 provided, and such determination is final and con-

1 exclusive upon the accounting officers of the United
2 States, and 15 days following notification to the ap-
3 propriate congressional committees: *Provided further*,
4 That these funds may be used for the purpose of
5 providing specialized training and procuring supplies
6 and specialized equipment and providing such sup-
7 plies and loaning such equipment on a non-reimburs-
8 able basis to friendly foreign forces supporting
9 United States military operations in Iraq and Af-
10 ghanistan;

11 (3) not to exceed \$10,000,000 shall be available
12 for emergencies and extraordinary expenses: *Pro-*
13 *vided*, That the Secretary of Defense shall certify
14 that such payments are necessary for confidential
15 military purposes; and

16 (4) not to exceed \$350,000,000, to remain
17 available until September 30, 2010, shall be for
18 counternarcotics and other activities including assist-
19 ance to other Federal agencies, on the United States
20 border with Mexico: *Provided*, That the Secretary of
21 Defense may transfer these funds to appropriations
22 for military personnel, operation and maintenance,
23 and procurement to be available for the same pur-
24 poses as the appropriation or fund to which trans-
25 ferred: *Provided further*, That the Secretary of De-

1 fense may transfer up to \$100,000,000 of this
2 amount to any other Federal appropriations ac-
3 counts, with the concurrence of the head of the rel-
4 evant Federal department or agency for border-re-
5 lated activities: *Provided further*, That the funds
6 transferred shall be merged with and be available for
7 the same purposes and the same time period, as the
8 appropriation to which transferred: *Provided further*,
9 That this transfer authority is in addition to any
10 other transfer authority available to the Department
11 of Defense: *Provided further*, That upon a deter-
12 mination that all or part of the funds so transferred
13 from this appropriation are not necessary for the
14 purposes provided herein, such amounts may be
15 transferred back to this appropriation, to be merged
16 with and made available for the same purposes and
17 for the time period provided under this heading.

18 OPERATION AND MAINTENANCE, ARMY RESERVE

19 For an additional amount for “Operation and Main-
20 tenance, Army Reserve”, \$101,317,000.

21 OPERATION AND MAINTENANCE, NAVY RESERVE

22 For an additional amount for “Operation and Main-
23 tenance, Navy Reserve”, \$24,318,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

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

5 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

8 OPERATION AND MAINTENANCE, ARMY NATIONAL

9 GUARD

10 For an additional amount for “Operation and Main-
11 tenance, Army National Guard”, \$178,446,000.

12 IRAQ FREEDOM FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for the “Iraq Freedom
15 Fund”, \$365,000,000, to remain available to the Sec-
16 retary of Defense for transfer until September 30, 2010,
17 of which—

18 (1) not to exceed \$350,000,000 shall be avail-
19 able for rapid response to unforeseen, immediate
20 warfighter needs for Iraq, Afghanistan, and other
21 geographic areas in which combat or direct combat
22 support operations for Iraq and Afghanistan occur
23 in order to minimize casualties and ensure mission
24 success for Operation Iraqi Freedom and Operation
25 Enduring Freedom: *Provided*, That these funds are

1 available for transfer to any other appropriations ac-
2 counts of the Department of Defense to accomplish
3 the purposes provided herein: *Provided further*, That
4 upon a determination that all or part of the funds
5 so transferred from this appropriation are not nec-
6 essary for the purposes provided herein, such
7 amounts may be transferred back to this appropria-
8 tion: *Provided further*, That this transfer authority is
9 in addition to any other transfer authority available
10 to the Department of Defense; and

11 (2) not to exceed \$15,000,000 shall be available
12 to the Secretary of Defense to transport the remains
13 of servicemembers killed in combat operations: *Pro-*
14 *vided*, That these funds are available for transfer to
15 any other appropriations accounts of the Depart-
16 ment of Defense to accomplish the purposes pro-
17 vided herein: *Provided further*, That upon a deter-
18 mination that all or part of the funds so transferred
19 from this appropriation are not necessary for the
20 purposes provided herein, such amounts may be
21 transferred back to this appropriation: *Provided fur-*
22 *ther*, That this transfer authority is in addition to
23 any other transfer authority available to the Depart-
24 ment of Defense.

1 AFGHANISTAN SECURITY FORCES FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for the “Afghanistan Secu-
4 rity Forces Fund”, \$3,606,939,000, to remain available
5 until September 30, 2010: *Provided*, That the Secretary
6 of Defense shall, not fewer than 15 days prior to making
7 any obligation or transfer from this appropriation account,
8 notify the congressional defense committees in writing of
9 the details of the proposed obligation or transfer.

10 PAKISTAN COUNTERINSURGENCY FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For the “Pakistan Counterinsurgency Fund”, hereby
13 established in the Treasury of the United States,
14 \$400,000,000, to remain available until September 30,
15 2010: *Provided*, That such funds shall be available to the
16 Secretary of Defense, with the concurrence of the Sec-
17 retary of State, notwithstanding any other provision of
18 law, to provide assistance to the security forces of Paki-
19 stan (including the provision of equipment, supplies, serv-
20 ices, training, facility and infrastructure repair, renova-
21 tion, and construction) to improve the counterinsurgency
22 capability of Pakistan’s security forces, and, on an excep-
23 tional basis, irregular security forces: *Provided further*,
24 That the authority to provide assistance under this provi-
25 sion is in addition to any other authority to provide assist-

1 ance to foreign nations: *Provided further*, That the Sec-
2 retary of Defense may transfer such amounts as the Sec-
3 retary may determine from the funds provided herein to
4 any appropriations available to the Department of Defense
5 or, with the concurrence of the Secretary of State and
6 head of the relevant Federal department or agency, to any
7 other non-intelligence related Federal account to accom-
8 plish the purposes provided herein: *Provided further*, That
9 funds so transferred shall be merged with and be available
10 for the same purposes and for the same time period as
11 the appropriation or fund to which transferred: *Provided*
12 *further*, That upon determination by the Secretary of De-
13 fense or head of other Federal department or agency, with
14 the concurrence of the Secretary of State, that all or part
15 of the funds so transferred from this appropriation are
16 not necessary for the purposes herein, such amounts may
17 be transferred by the head of the relevant Federal depart-
18 ment or agency back to this appropriation and shall be
19 available for the same purposes and for the same time pe-
20 riod as originally appropriated: *Provided further*, That the
21 authority of the Secretary of Defense to obligate or trans-
22 fer funds pursuant to this paragraph shall apply only to
23 the funds appropriated for such purposes in this Act, and
24 such authority shall not be continued beyond the expira-
25 tion date specified in the matter preceding the first pro-

1 viso: *Provided further*, That funds may not be obligated
2 or transferred from the “Pakistan Counterinsurgency
3 Fund” until 15 days after the date on which the Secretary
4 of Defense notifies the Committees on Appropriations of
5 the House of Representatives and the Senate, and the con-
6 gressional defense and foreign affairs committees, in writ-
7 ing of the details of the proposed obligation or transfer.

8 PROCUREMENT

9 AIRCRAFT PROCUREMENT, ARMY

10 For an additional amount for “Aircraft Procurement,
11 Army”, \$1,285,304,000, to remain available until Sep-
12 tember 30, 2011.

13 MISSILE PROCUREMENT, ARMY

14 For an additional amount for “Missile Procurement,
15 Army”, \$677,141,000, to remain available until Sep-
16 tember 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”,
21 \$2,233,871,000, to remain available until September 30,
22 2011.

5 OTHER PROCUREMENT, ARMY

9 AIRCRAFT PROCUREMENT, NAVY

13 WEAPONS PROCUREMENT, NAVY

17 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

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

22 OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement,
Navy”, \$172,095,000, to remain available until September
30, 2011.

1 PROCUREMENT, MARINE CORPS

2 For an additional amount for “Procurement, Marine
3 Corps”, \$1,509,986,000, to remain available until Sep-
4 tember 30, 2011.

5 AIRCRAFT PROCUREMENT, AIR FORCE

6 For an additional amount for “Aircraft Procurement,
7 Air Force”, \$5,138,268,000, to remain available until
8 September 30, 2011.

9 MISSILE PROCUREMENT, AIR FORCE

10 For an additional amount for “Missile Procurement,
11 Air Force”, \$57,416,000, to remain available until Sep-
12 tember 30, 2011.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

14 For an additional amount for “Procurement of Am-
15 munition, Air Force”, \$183,684,000, to remain available
16 until September 30, 2011.

17 OTHER PROCUREMENT, AIR FORCE

18 For an additional amount for “Other Procurement,
19 Air Force”, \$1,745,761,000, to remain available until
20 September 30, 2011.

21 PROCUREMENT, DEFENSE-WIDE

22 For an additional amount for “Procurement, De-
23 fense-Wide”, \$200,068,000, to remain available until Sep-
24 tember 30, 2011.

13 RESEARCH, DEVELOPMENT, TEST AND
14 EVALUATION

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$73,734,000, to remain available until September 30, 2010.

For an additional amount for “Research, Develop-
ment, Test and Evaluation, Navy”, \$96,231,000, to re-
main available until September 30, 2010.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Air Force”, \$92,574,000, to
5 remain available until September 30, 2010.

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
7 DEFENSE-WIDE

8 For an additional amount for “Research, Develop-
9 ment, Test and Evaluation, Defense-Wide”,
10 \$459,391,000, to remain available until September 30,
11 2010.

12 REVOLVING AND MANAGEMENT FUNDS

13 DEFENSE WORKING CAPITAL FUNDS

14 For an additional amount for “Defense Working
15 Capital Funds”, \$846,726,000, to remain available until
16 expended.

17 OTHER DEPARTMENT OF DEFENSE PROGRAMS

18 DEFENSE HEALTH PROGRAM

19 For an additional amount for “Defense Health Pro-
20 gram”, \$1,097,297,000, of which \$845,508,000, to re-
21 main available until September 30, 2009, is for operation
22 and maintenance; of which \$50,185,000, to remain avail-
23 able until September 30, 2011, is for procurement; and
24 of which \$201,604,000, to remain available until Sep-

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$137,198,000, to remain available until expended.

For an additional amount for “Joint Improvised Ex-
plosive Device Defeat Fund”, \$1,316,746,000, to remain
available until September 30, 2011.

For an additional amount for the “Mine Resistant Ambush Protected Vehicle Fund”, \$4,843,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*,

1 That this transfer authority is in addition to any other
2 transfer authority available to the Department of Defense:
3 *Provided further*, That upon determination that all or part
4 of the funds so transferred from this appropriation are
5 not necessary for the purposes provided herein, such
6 amounts may be transferred back to this appropriation:
7 *Provided further*, That the Secretary shall, not fewer than
8 15 days prior to making transfers from this appropriation,
9 notify the congressional defense committees in writing of
10 the details of any such transfer.

11 OFFICE OF THE INSPECTOR GENERAL

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

14 GENERAL PROVISIONS, THIS TITLE

15 SEC. 10001. Notwithstanding any other provision of
16 law, funds made available in this title are in addition to
17 amounts appropriated or otherwise made available for the
18 Department of Defense for fiscal year 2009.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 10002. Upon the determination of the Secretary
21 of Defense that such action is necessary in the national
22 interest, the Secretary may transfer between appropria-
23 tions up to \$2,000,000,000 of the funds made available
24 to the Department of Defense in this title: *Provided*, That
25 the Secretary shall notify the Congress promptly of each

1 transfer made pursuant to the authority in this section:
2 *Provided further*, That the authority provided in this sec-
3 tion is in addition to any other transfer authority available
4 to the Department of Defense and is subject to the same
5 terms and conditions as the authority provided in section
6 8005 of the Department of Defense Appropriations Act,
7 2009 (division C of Public Law 110–329) except for the
8 fourth proviso.

9 SEC. 10003. Funds appropriated by this title, or
10 made available by the transfer of funds in this title, for
11 intelligence activities are deemed to be specifically author-
12 ized by the Congress for purposes of section 504(a)(1) of
13 the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 10004. During fiscal year 2009 and from funds
16 in the Defense Cooperation Account, as established by 10
17 U.S.C. 2608, the Secretary of Defense may transfer up
18 to \$6,500,000 to such appropriations or funds of the De-
19 partment of Defense as the Secretary shall determine for
20 use consistent with the purposes for which such funds
21 were contributed and accepted: *Provided*, That such
22 amounts shall be available for the same time period as
23 the appropriation to which transferred: *Provided further*,
24 That the Secretary shall report to the Congress all trans-
25 fers made pursuant to this authority.

SEC. 10006. (a)(1) Of the funds appropriated in chapter 2 of title IX of Public Law 110–252 under the heading, “Iraq Security Forces Fund”, \$1,000,000,000 is rescinded.

(2) For an additional amount for “Iraq Security Forces Fund”, \$1,000,000,000, to remain available until September 30, 2010: *Provided*, That funds may not be obligated or transferred from this fund until 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(b)(1) Of the funds appropriated in chapter 2 of title IX of Public Law 110–252 under the heading, “Afghanistan Security Forces Fund”, \$125,000,000 is rescinded.

1 (2) For an additional amount for the “Afghani-
2 stan Security Forces Fund”, \$125,000,000, to re-
3 main available until September 30, 2010.

4 SEC. 10007. Funds made available in this Act to the
5 Department of Defense for operation and maintenance
6 may be used to purchase items having an investment unit
7 cost of not more than \$250,000: *Provided*, That upon de-
8 termination by the Secretary of Defense that such action
9 is necessary to meet the operational requirements of a
10 Commander of a Combatant Command engaged in contin-
11 gency operations overseas, such funds may be used to pur-
12 chase items having an investment item unit cost of not
13 more than \$500,000: *Provided further*, That the Secretary
14 shall report to the Congress all purchases made pursuant
15 to this authority within 30 days of using the authority.

16 SEC. 10008. (a) Beginning in fiscal year 2009, dur-
17 ing any year in which funds are authorized to be appro-
18 priated to carry out the Commander’s Emergency Re-
19 sponse Program, the Secretary of Defense may accept con-
20 tributions of funds from any person, foreign government,
21 or international organization to carry out the Com-
22 mander’s Emergency Response Program in Iraq or Af-
23 ghanistan.

24 (b) Funds contributed pursuant to subsection (a)
25 shall be credited to “Operation and Maintenance, Army”.

1 (c) Funds contributed pursuant to subsection (a)
2 shall become available during each year in which funds
3 authorized to be appropriated have been appropriated.

4 SEC. 10009. (a) Until September 30, 2009, the Sec-
5 retary of Defense may enter into an agreement with the
6 head of an executive department or agency that has estab-
7 lished internship programs to reimburse that department
8 or agency for the costs associated with the first year of
9 employment of eligible military spouses into positions
10 under the internship program.

11 (b) The Secretary may provide such reimbursement
12 to the department or agency, from funds otherwise made
13 available for “Operation and Maintenance, Defense-
14 Wide”, including the costs of the salary, benefits and al-
15 lowances, and training of the military spouse for the first
16 year of employment, for eligible military spouses beginning
17 their internship by September 30, 2009.

18 (c) In this section:

19 (1) The term “eligible military spouse” means
20 any person married to a member of the Armed
21 Forces on active duty at the time of appointment,
22 other than a person who—

23 (A) is legally separated from a member of
24 the Armed Forces under court order or statute
25 of any State or possession of the United States;

1 (B) is also a member of the Armed Forces
2 on active duty; or

3 (C) is a retired member of the Armed
4 Forces.

5 (2) The term “internship” means a profes-
6 sional, analytical, or administrative position in the
7 Federal Government that operates under a develop-
8 mental program leading to career advancement.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 10010. Notwithstanding any other provision of
11 law, of the funds appropriated in this title for “Operation
12 and Maintenance, Defense-Wide”, the Secretary of De-
13 fense may transfer up to \$30,000,000 to the Department
14 of State “Assistance for Europe, Eurasia and Central
15 Asia” account, with the concurrence of the Secretary of
16 State, to provide a long-range air traffic control and safety
17 system to support air operations in the Kyrgyz Republic,
18 including Manas International Airport and Air Base: *Pro-*
19 *vided*, That funds transferred under this section shall re-
20 main available until expended.

21 SEC. 10011. From funds made available in this title,
22 the Secretary of Defense may purchase motor vehicles for
23 use by military and civilian employees of the Department
24 of Defense in Iraq and Afghanistan, up to a limit of

1 \$75,000 per vehicle, notwithstanding other limitations ap-
 2 plicable to passenger carrying motor vehicles.

3 (RESCISSIONS)

4 SEC. 10012. (a) Of the funds appropriated in the De-
 5 partment of Defense Appropriations Act, 2009 (division
 6 C of Public Law 110–329), the following amounts are re-
 7 scinded from the following accounts in the amounts speci-
 8 fied: “Operation and Maintenance, Army”, \$352,359,000;
 9 “Operation and Maintenance, Navy”, \$881,481,000; “Op-
 10 eration and Maintenance, Marine Corps”, \$54,466,000;
 11 “Operation and Maintenance, Air Force”, \$925,203,000;
 12 “Operation and Maintenance, Defense-Wide”,
 13 \$81,135,000; “Operation and Maintenance, Army Re-
 14 serve”, \$23,338,000; “Operation and Maintenance, Navy
 15 Reserve”, \$62,910,000; “Operation and Maintenance, Ma-
 16 rine Corps Reserve”, \$1,250,000; “Operation and Mainte-
 17 nance, Air Force Reserve”, \$163,786,000; “Operation and
 18 Maintenance, Army National Guard”, \$57,819,000; “Op-
 19 eration and Maintenance, Air National Guard”,
 20 \$250,645,000; “Research, Development, Test and Evalua-
 21 tion, Navy”, \$30,510,000; and “Research, Development,
 22 Test and Evaluation, Air Force”, \$15,098,000.

23 (b)(1) Of the funds appropriated in the Department
 24 of Defense Appropriations Act, 2008 (division A of Public
 25 Law 110–116) under the heading “Research, Develop-

1 ment, Test and Evaluation, Navy”, \$5,000,000 is re-
 2 scinded.

3 (2) Of the funds appropriated in the Department of
 4 Defense Appropriations Act, 2009 (division C of Public
 5 Law 110–329) under the heading “Operation and Mainte-
 6 nance, Defense-Wide”, \$5,000,000 is rescinded.

7 (c) Of the funds appropriated in the Department of
 8 Defense Appropriations Act, 2009 (division C of Public
 9 Law 110–329) under the heading “Research, Develop-
 10 ment, Test and Evaluation, Air Force”, \$100,000,000 is
 11 rescinded.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 10013. Upon enactment of this Act, the Sec-
 14 retary of Defense shall make the following transfers of
 15 funds: *Provided*, That the amounts transferred shall be
 16 made available for the same purpose as the appropriations
 17 to which transferred, and for the same time period as the
 18 appropriation from which transferred: *Provided further*,
 19 That the funds shall be transferred between the following
 20 appropriations in the amounts specified:

21 To:

22 “Military Personnel, Army, 2009”,
 23 \$100,600,000; “Reserve Personnel, Army, 2009”,
 24 \$41,000,000; and “National Guard Personnel,
 25 Army, 2009”, \$9,000,000.

1 From:

2 Funds appropriated in the Department of De-
3 fense Appropriations Act, 2009 (division C of Public
4 Law 110–329) under the heading “Aircraft Procure-
5 ment, Army, 2009/2011”, \$22,600,000; and under
6 the heading “Procurement of Ammunition, Army,
7 2009/2011”, \$107,100,000.

8 From:

9 Funds appropriated in the Department of De-
10 fense Appropriations Act, 2008 (division A of Public
11 Law 110–116) under the heading “Other Procure-
12 ment, Army, 2008/2010”, \$20,900,000.

13 (RESCISSIONS)

14 SEC. 10014. Of the funds appropriated in the De-
15 partment of Defense Appropriations Act, 2009 (division
16 C of Public Law 110–329), under the heading “Operation
17 and Maintenance, Defense-Wide”, \$181,500,000 is re-
18 scinded.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 10015. (a) RETROACTIVE PAYMENT OF STOP-
21 LOSS SPECIAL PAY.—In addition to the amounts appro-
22 priated or otherwise made available elsewhere in this Act,
23 \$734,400,000 is appropriated to the Department of De-
24 fense, to remain available for obligation until expended.
25 *Provided*, That such funds shall be available to the Secre-

1 taries of the military departments only to make the pay-
2 ment specified in subsection (b) to members of the Armed
3 Forces, including members of the reserve components, and
4 former and retired members under the jurisdiction of the
5 Secretary who, at any time during the period beginning
6 on September 11, 2001, and ending on September 30,
7 2009, served on active duty while the members' enlistment
8 or period of obligated service was extended, or whose eligi-
9 bility for retirement was suspended, pursuant to section
10 123 or 12305 of title 10, United States Code, or any other
11 provision of law (commonly referred to as a "stop-loss au-
12 thority") authorizing the President to extend an enlist-
13 ment or period of obligated service, or suspend an eligi-
14 bility for retirement, of a member of the uniformed serv-
15 ices in time of war or of national emergency declared by
16 Congress or the President.

17 (b) PAYMENT AMOUNT.—The amount to be paid
18 under subsection (a) to or on behalf of an eligible member,
19 retired member, or former member described in such sub-
20 section shall be \$500 per month for each month or portion
21 of a month during the period specified in such subsection
22 that the member was retained on active duty as a result
23 of application of the stop-loss authority.

24 (c) TREATMENT OF DECEASED MEMBERS.—If an eli-
25 gible member, retired member, or former member de-

1 scribed in subsection (a) dies before the payment required
2 by this section is made, the Secretary concerned shall
3 make the payment to the designated representative or es-
4 tate of the member.

5 (d) EXCLUSION OF CERTAIN FORMER MEMBERS.—
6 A former member of the Armed Forces is not eligible for
7 a payment under this section if the former member was
8 discharged or released from the Armed Forces under other
9 than honorable conditions.

10 (e) RELATION TO OTHER STOP-LOSS SPECIAL
11 PAY.—A member, retired member, or former member may
12 not receive a payment under this section and stop-loss spe-
13 cial pay under section 8116 of the Department of Defense
14 Appropriations Act, 2009 (division C of Public Law 110–
15 329; 122 Stat. 3646) for the same month or portion of
16 a month during which the member was retained on active
17 duty as a result of application of the stop-loss authority.

18 SEC. 10016. (a) Section 132 of the National Defense
19 Authorization Act for Fiscal Year 2004 (Public Law 108–
20 136; 117 Stat. 1392) is repealed.

21 (b) Notwithstanding any other provision of law, the
22 Secretary of the Air Force may retire C–5A aircraft from
23 the inventory of the Air Force 15 days after certifying to
24 the congressional defense committees that retiring the air-
25 craft will not significantly increase operational risk of not

1 meeting the National Defense Strategy, provided that
2 such retirements may not reduce total strategic airlift
3 force structure inventory below the 292 strategic airlift
4 aircraft level identified in the Mobility Capability Study
5 2005 (MCS-05) unless otherwise addressed in the fiscal
6 year 2010 National Defense Authorization Act.

7 SEC. 10017. None of the funds appropriated or other-
8 wise made available by this title may be obligated or ex-
9 pended to provide award fees to any defense contractor
10 contrary to the provisions of section 814 of the National
11 Defense Authorization Act, Fiscal Year 2007 (Public Law
12 109-364).

13 SEC. 10018. None of the funds provided in this title
14 may be used to finance programs or activities denied by
15 Congress in fiscal years 2008 or 2009 appropriations to
16 the Department of Defense or to initiate a procurement
17 or research, development, test and evaluation new start
18 program without prior written notification to the congres-
19 sional defense committees.

20 SEC. 10019. None of the funds appropriated or other-
21 wise made available by this or any other Act shall be obli-
22 gated or expended by the United States Government for
23 a purpose as follows:

1 (1) To establish any military installation or
2 base for the purpose of providing for the permanent
3 stationing of United States Armed Forces in Iraq.

4 (2) To exercise United States control over any
5 oil resource of Iraq.

6 SEC. 10020. None of the funds appropriated or other-
7 wise made available by this or any other Act shall be obli-
8 gated or expended by the United States Government for
9 the purpose of establishing any military installation or
10 base for the purpose of providing for the permanent sta-
11 tioning of United States Armed Forces in Afghanistan.

12 SEC. 10021. (a) REPORT ON IRAQ TROOP DRAW-
13 DOWN STATUS, GOALS, AND TIMETABLE.—In recognition
14 and support of the policy of President Barack Obama to
15 withdraw all United States combat brigades from Iraq by
16 August 31, 2010, and all United States military forces
17 from Iraq on December 31, 2011, Congress directs the
18 Secretary of Defense (in consultation with other members
19 of the National Security Council) to prepare a report that
20 identifies troop drawdown status and goals and includes—

21 (1) a detailed, month-by-month description of
22 the transition of United States military forces and
23 equipment out of Iraq; and

1 (2) a detailed, month-by-month description of
2 the transition of United States contractors out of
3 Iraq.

4 (b) ELEMENTS OF REPORT.—At a minimum, the
5 Secretary of Defense shall address the following:

6 (1) How the Government of Iraq is assuming
7 the responsibility for reconciliation initiatives as the
8 mission of the United States Armed Forces transi-
9 tions.

10 (2) How the drawdown of military forces com-
11 plies with the President’s planned withdrawal of
12 combat brigades by August 31, 2010, and all United
13 States forces by December 31, 2011.

14 (3) The roles and responsibilities of remaining
15 contractors in Iraq as the United States mission
16 evolves, including the anticipated number of United
17 States contractors to remain in Iraq after August
18 31, 2010, and December 31, 2011.

19 (c) SUBMISSION.—Not later than 90 days after the
20 date of enactment of this Act, and every 90 days there-
21 after through September 30, 2010, the Secretary of De-
22 fense shall submit the report required by subsection (a)
23 and a classified annex to the report, as necessary.

1 TITLE II—MILITARY CONSTRUCTION, FOREIGN
2 OPERATIONS, AND OTHER MATTERS

3 CHAPTER 1—AGRICULTURE

4 DEPARTMENT OF AGRICULTURE

5 FOREIGN AGRICULTURAL SERVICE

6 PUBLIC LAW 480 TITLE II GRANTS

7 For an additional amount for “Public Law 480 Title
8 II Grants”, \$500,000,000, to remain available until ex-
9 pended.

10 GENERAL PROVISIONS, THIS CHAPTER

11 SEC. 20101. Amounts appropriated by section 101(a)
12 of title I of division B of Public Law 109–148 (119 Stat.
13 2747) and unobligated as of the date of the enactment
14 of this Act shall be available to the Secretary of Agri-
15 culture, until expended, to provide assistance under the
16 emergency conservation program established under title
17 IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201
18 et seq.) for expenses related to recovery efforts in response
19 to natural disasters.

20 SEC. 20102. (a)(1) For an additional amount for
21 gross obligations for the principal amount of direct and
22 guaranteed farm ownership (7 U.S.C. 1922 et seq.) and
23 operating (7 U.S.C. 1941 et seq.) loans, to be available
24 from funds in the Agricultural Credit Insurance Fund, as
25 follows: direct farm ownership loans, \$360,000,000; direct

1 operating loans, \$400,000,000; and unsubsidized guaran-
 2 teed operating loans, \$50,201,000.

3 (2) For an additional amount for the cost of direct
 4 and guaranteed loans, including the cost of modifying
 5 loans as defined in section 502 of the Congressional Budg-
 6 et Act of 1974, as follows: direct farm ownership loans,
 7 \$22,860,000; direct operating loans, \$47,160,000; and un-
 8 subsidized guaranteed operating loans, \$1,250,000.

9 (b) Of the unobligated balances available and pro-
 10 vided in prior year appropriations acts for discretionary
 11 programs in the Rural Development mission area,
 12 \$71,270,000 is hereby rescinded.

13 CHAPTER 2—COMMERCE AND JUSTICE

14 DEPARTMENT OF JUSTICE

15 LEGAL ACTIVITIES

16 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

17 For an additional amount for “Salaries and Ex-
 18 penses”, \$1,648,000, to remain available until September
 19 30, 2010.

20 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

21 For an additional amount for “Salaries and Ex-
 22 penses”, \$5,000,000, to remain available until September
 23 30, 2010.

1 NATIONAL SECURITY DIVISION

2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-
4 penses”, \$1,389,000, to remain available until September
5 30, 2010.

6 BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND

7 EXPLOSIVES

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses”, \$4,000,000, to remain available until September
11 30, 2010.

12 FEDERAL PRISON SYSTEM

13 SALARIES AND EXPENSES

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

17 GENERAL PROVISION, THIS CHAPTER

18 (INCLUDING RESCISSION)

19 SEC. 20201. (a) Of the funds appropriated in chapter
20 2 of title I of Public Law 110–252 under the heading “Of-
21 fice of Inspector General”, \$3,000,000 is rescinded.

22 (b) For an additional amount for “Office of Inspector
23 General”, \$3,000,000, to remain available until September
24 30, 2010.

1 CHAPTER 3—ENERGY
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 STRATEGIC PETROLEUM RESERVE
5 (TRANSFER OF FUNDS)

6 For an additional amount for “Strategic Petroleum
7 Reserve”, \$21,585,723, to remain available until ex-
8 pended, to be derived by transfer from the “SPR Petro-
9 leum Account” for site maintenance activities.

10 ATOMIC ENERGY DEFENSE ACTIVITIES
11 NATIONAL NUCLEAR SECURITY ADMINISTRATION
12 DEFENSE NUCLEAR NONPROLIFERATION

13 For an additional amount for “Defense Nuclear Non-
14 proliferation”, \$55,000,000, to remain available until ex-
15 pended.

16 CHAPTER 4—GENERAL GOVERNMENT
17 EXECUTIVE OFFICE OF THE PRESIDENT AND
18 FUNDS APPROPRIATED TO THE PRESIDENT
19 NATIONAL SECURITY COUNCIL
20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-
22 penses”, \$2,936,000, of which \$800,000 shall remain
23 available until expended and \$2,136,000 shall remain
24 available until September 30, 2010.

1 CHAPTER 5—HOMELAND SECURITY
2 DEPARTMENT OF HOMELAND SECURITY
3 FEDERAL EMERGENCY MANAGEMENT AGENCY
4 FIREFIGHTER ASSISTANCE GRANTS

5 For grants awarded under section 34 of the Federal
6 Fire Prevention and Control Act of 1974 (15 U.S.C.
7 2229a) in fiscal years 2009 and 2010, the Administrator
8 of the United States Fire Administration may waive the
9 requirements of subsection (a)(1)(B) and subsection (c)
10 of such section and may award grants for the hiring, rehiring,
11 or retention of firefighters.

12 GENERAL PROVISIONS, THIS CHAPTER

13 SEC. 20501. Notwithstanding sections 12112, 55102,
14 and 55103 of title 46, United States Code, the Secretary
15 of the department in which the Coast Guard is operating
16 shall issue a certificate of documentation with appropriate
17 endorsement for engaging in the coastwise trade for the
18 drydock ALABAMA (United States official number
19 641504).

20 SEC. 20502. Notwithstanding sections 55101, 55103,
21 and 12112 of title 46, United States Code, the Secretary
22 of the department in which the Coast Guard is operating
23 may issue a certificate of documentation with a coastwise
24 endorsement for the vessel MARYLAND INDEPENDENCE
25 (official number 662573). The coastwise endorse-

1 ment issued under authority of this section is terminated
 2 if—

3 (1) the vessel, or controlling interest in the per-
 4 son that owns the vessel, is conveyed after the date
 5 of enactment of this Act; or

6 (2) any repairs or alterations are made to the
 7 vessel outside of the United States.

8 CHAPTER 6—INTERIOR AND ENVIRONMENT

9 DEPARTMENT OF THE INTERIOR

10 DEPARTMENT-WIDE PROGRAMS

11 WILDLAND FIRE MANAGEMENT

12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount to cover necessary expenses
 14 for wildfire suppression and emergency rehabilitation ac-
 15 tivities of the Department of the Interior, \$50,000,000,
 16 to remain available until expended: *Provided*, That such
 17 funds shall only become available if funds provided pre-
 18 viously for wildland fire suppression will be exhausted im-
 19 minently and after the Secretary of the Interior notifies
 20 the Committees on Appropriations of the House of Rep-
 21 resentatives and the Senate in writing of the need for
 22 these additional funds: *Provided further*, That the Sec-
 23 retary of the Interior may transfer any of these funds to
 24 the Secretary of Agriculture if the transfer enhances the

1 efficiency or effectiveness of Federal wildland fire suppres-
2 sion activities.

3 DEPARTMENT OF AGRICULTURE

4 FOREST SERVICE

5 WILDLAND FIRE MANAGEMENT

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount to cover necessary expenses
8 for wildfire suppression and emergency rehabilitation ac-
9 tivities of the Forest Service, \$200,000,000, to remain
10 available until expended: *Provided*, That such funds shall
11 only become available if funds provided previously for
12 wildland fire suppression will be exhausted imminently
13 and after the Secretary of Agriculture notifies the Com-
14 mittees on Appropriations of the House of Representatives
15 and the Senate in writing of the need for these additional
16 funds: *Provided further*, That the Secretary of Agriculture
17 may transfer not more than \$50,000,000 of these funds
18 to the Secretary of the Interior if the transfer enhances
19 the efficiency or effectiveness of Federal wildland fire sup-
20 pression activities.

1 CHAPTER 7—HEALTH AND HUMAN SERVICES
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES

4 OFFICE OF THE SECRETARY
5 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
6 FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Public Health and So-
9 cial Services Emergency Fund” to prepare for and re-
10 spond to an influenza pandemic, including the develop-
11 ment and purchase of vaccine, antivirals, necessary med-
12 ical supplies, diagnostics, and other surveillance tools and
13 to assist international efforts and respond to international
14 needs relating to the 2009–H1N1 influenza outbreak,
15 \$1,850,000,000, to remain available until expended: *Pro-*
16 *vided*, That no less than \$350,000,000 shall be for up-
17 grading State and local capacity: *Provided further*, That
18 no less than \$200,000,000 shall be transferred to the Cen-
19 ters for Disease Control and Prevention to carry out global
20 and domestic disease surveillance, laboratory capacity and
21 research, laboratory diagnostics, risk communication,
22 rapid response, and quarantine: *Provided further*, That
23 products purchased with these funds may, at the discre-
24 tion of the Secretary of Health and Human Services
25 (“Secretary”), be deposited in the Strategic National

1 Stockpile under section 319F–2 of the Public Health Serv-
2 ice Act: *Provided further*, That notwithstanding section
3 496(b) of the Public Health Service Act, funds may be
4 used for the construction or renovation of privately owned
5 facilities for the production of pandemic influenza vaccine
6 and other biologics, where the Secretary finds such a con-
7 tract necessary to secure sufficient supplies of such vac-
8 cines or biologics: *Provided further*, That funds appro-
9 priated under this heading and not specifically designated
10 under this heading may be transferred to, and merged
11 with, other appropriation accounts of the Department of
12 Health and Human Services and other Federal agencies,
13 as determined by the Secretary to be appropriate, to be
14 used for the purposes specified under this heading and to
15 the fund authorized by section 319F–4 of the Public
16 Health Service Act: *Provided further*, That transfers to
17 other Federal agencies shall be made in consultation with
18 the Director of the Office of Management and Budget:
19 *Provided further*, That prior to transferring any funds
20 under this heading, the Secretary shall notify the Commit-
21 tees on Appropriations of the House of Representatives
22 and the Senate of any such transfer and the planned uses
23 of the funds: *Provided further*, That the transfer authority
24 provided under this heading is in addition to any other
25 transfer authority available in this or any other Act.

1 GENERAL PROVISION, THIS CHAPTER

2 SEC. 20701. Title II of division F of the Omnibus
3 Appropriations Act, 2009 (Public Law 111–8) is amended
4 under the heading “Children and Families Services Pro-
5 grams”—

6 (1) by striking the first proviso in its entirety;
7 and

8 (2) by striking “*Provided further*” the first
9 place it appears and inserting “*Provided*”.

10 CHAPTER 8—LEGISLATIVE BRANCH

11 CAPITOL POLICE

12 GENERAL EXPENSES

13 For an additional amount for “General Expenses”,
14 \$71,606,000, to purchase and install a new radio system
15 for the Capitol Police to remain available until September
16 30, 2012: *Provided*, That \$6,500,000 of these funds shall
17 be designated as “contingency” and shall only be available
18 for obligation upon approval of the Committees on Appro-
19 priations of the House of Representatives and the Senate:
20 *Provided further*, That the Chief of the Capitol Police may
21 not obligate any of the funds appropriated under this
22 heading without approval of an obligation plan by the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate.

1 CHAPTER 9—MILITARY CONSTRUCTION

2 DEPARTMENT OF DEFENSE

3 MILITARY CONSTRUCTION, ARMY

4 (INCLUDING RESCISSION)

5 For an additional amount for “Military Construction,
6 Army”, \$1,407,231,000, of which \$810,850,000 shall re-
7 main available until September 30, 2010, and of which
8 \$596,381,000 for child development centers, warrior in
9 transition facilities, and planning and design shall remain
10 available until September 30, 2013: *Provided*, That not-
11 withstanding any other provision of law, such funds may
12 be obligated and expended to carry out planning and de-
13 sign and military construction projects not otherwise au-
14 thorized by law: *Provided further*, That of the funds pro-
15 vided under this heading, not to exceed \$68,081,000 shall
16 be available for study, planning, design, and architect and
17 engineer services: *Provided further*, That of the funds ap-
18 propriated for “Military Construction, Army” under Pub-
19 lic Law 110–252, \$142,500,000 is rescinded.

20 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

21 For an additional amount for “Military Construction,
22 Navy and Marine Corps”, \$235,881,000, to remain avail-
23 able until September 30, 2013: *Provided*, That notwith-
24 standing any other provision of law, such funds may be
25 obligated and expended to carry out planning and design

1 and military construction projects not otherwise author-
2 ized by law: *Provided further*, That of the funds provided
3 under this heading, not to exceed \$11,000,000 shall be
4 available for study, planning, design, and architect and en-
5 gineer services.

6 MILITARY CONSTRUCTION, AIR FORCE

7 (INCLUDING RESCISSION)

8 For an additional amount for “Military Construction,
9 Air Force”, \$279,120,000, of which \$255,650,000 shall
10 remain available until September 30, 2010, and of which
11 \$23,470,000 for child development centers and planning
12 and design shall remain available until September 30,
13 2013: *Provided*, That notwithstanding any other provision
14 of law, such funds may be obligated and expended to carry
15 out planning and design and military construction projects
16 not otherwise authorized by law: *Provided further*, That
17 of the funds provided under this heading, not to exceed
18 \$12,070,000 shall be available for study, planning, design,
19 and architect and engineer services: *Provided further*, That
20 of the funds appropriated for “Military Construction, Air
21 Force” under Public Law 110–252, \$30,000,000 is re-
22 scinded.

23 MILITARY CONSTRUCTION, DEFENSE-WIDE

24 For an additional amount for “Military Construction,
25 Defense-Wide”, \$1,086,968,000, to remain available until

1 September 30, 2013: *Provided*, That notwithstanding any
 2 other provision of law, such funds may be obligated and
 3 expended to carry out planning and design and military
 4 construction projects in the United States not otherwise
 5 authorized by law: *Provided further*, That of the amount
 6 provided under this heading, \$30,000,000 shall be for the
 7 planning and design of a National Security Agency data
 8 center and \$1,056,968,000 shall be for the construction
 9 of hospitals: *Provided further*, That not later than 30 days
 10 after the enactment of this Act, the Secretary of Defense
 11 shall submit to the Committees on Appropriations of both
 12 Houses of Congress an expenditure plan for the funds pro-
 13 vided for hospital construction under this heading.

14 NORTH ATLANTIC TREATY ORGANIZATION

15 SECURITY INVESTMENT PROGRAM

16 For an additional amount for “North Atlantic Treaty
 17 Organization Security Investment Program”,
 18 \$100,000,000, to remain available until expended: *Pro-*
 19 *vided*, That notwithstanding any other provision of law,
 20 such funds may be obligated and expended to carry out
 21 planning and design and military construction projects not
 22 otherwise authorized by law.

1 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
2 2005

3 For deposit into the Department of Defense Base
4 Closure Account 2005, established by section 2906A(a)(1)
5 of the Defense Base Closure and Realignment Act of 1990
6 (10 U.S.C. 2687 note), \$263,300,000, to remain available
7 until expended: *Provided*, That notwithstanding any other
8 provision of law, such funds may be obligated and ex-
9 pended to carry out planning and design and military con-
10 struction projects not otherwise authorized by law.

11 CHAPTER 10—STATE, FOREIGN OPERATIONS,
12 AND RELATED PROGRAMS
13 DEPARTMENT OF STATE
14 ADMINISTRATION OF FOREIGN AFFAIRS
15 DIPLOMATIC AND CONSULAR PROGRAMS
16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Diplomatic and Con-
18 sular Programs”, \$1,016,215,000, to remain available
19 until September 30, 2010, of which \$403,983,000 is for
20 worldwide security protection and shall remain available
21 until expended: *Provided*, That the Secretary of State may
22 transfer up to \$157,600,000 of the total funds made avail-
23 able under this heading to any other appropriation of any
24 department or agency of the United States, upon the con-
25 currence of the head of such department or agency, to sup-

1 port operations in and assistance for Afghanistan and to
2 carry out the provisions of the Foreign Assistance Act of
3 1961: *Provided further*, That up to \$10,900,000 of the
4 funds made available under this heading for public diplo-
5 macy activities should be transferred to, and merged with,
6 funds made available for “International Broadcasting Op-
7 erations” for broadcasting activities to the Pakistan-Af-
8 ghanistan Border Region.

9 OFFICE OF INSPECTOR GENERAL

10 (INCLUDING TRANSFER OF FUNDS)

11 For an additional amount for “Office of Inspector
12 General”, \$17,123,000, to remain available until Sep-
13 tember 30, 2010, of which \$7,201,000 shall be transferred
14 to the Special Inspector General for Afghanistan Recon-
15 struction for reconstruction oversight: *Provided*, That the
16 Special Inspector General for Afghanistan Reconstruction
17 may exercise the authorities of subsections (b) through (i)
18 of section 3161 of title 5, United States Code (without
19 regard to subsection (a) of such section) for funds made
20 available for fiscal years 2009 and 2010: *Provided further*,
21 That the Inspector General of the United States Depart-
22 ment of State and the Broadcasting Board of Governors,
23 the Special Inspector General for Iraq Reconstruction, the
24 Special Inspector General for Afghanistan Reconstruction,
25 and the Inspector General of the United States Agency

1 for International Development shall coordinate and inte-
2 grate the programming of funds made available under this
3 heading in fiscal year 2009 for oversight of programs in
4 Afghanistan, Pakistan and Iraq: *Provided further*, That
5 the Secretary of State shall submit to the Committees on
6 Appropriations of the House of Representatives and the
7 Senate, within 30 days of completion, the annual com-
8 prehensive audit plan for the Middle East and South Asia
9 developed by the Southwest Asia Joint Planning Group
10 in accordance with section 842 of Public Law 110–181.

11 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

12 For an additional amount for “Embassy Security,
13 Construction, and Maintenance”, \$989,628,000, to re-
14 main available until expended, for worldwide security up-
15 grades, acquisition, and construction as authorized: *Pro-*
16 *vided*, That funds made available under this heading in
17 this chapter shall be for providing secure diplomatic facili-
18 ties and housing for United States Mission staff in Af-
19 ghanistan and Pakistan, and for the deployment of mobile
20 mail screening units.

1 INTERNATIONAL ORGANIZATIONS

2 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

3 ACTIVITIES

4 For an additional amount for “Contributions for
5 International Peacekeeping Activities”, \$836,900,000, to
6 remain available until September 30, 2010.

7 UNITED STATES AGENCY FOR INTERNATIONAL

8 DEVELOPMENT

9 FUNDS APPROPRIATED TO THE PRESIDENT

10 OPERATING EXPENSES

11 For an additional amount for “Operating Expenses”,
12 \$152,600,000, to remain available until September 30,
13 2010.

14 CAPITAL INVESTMENT FUND

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

17 OFFICE OF INSPECTOR GENERAL

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

1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 GLOBAL HEALTH AND CHILD SURVIVAL

4 For an additional amount for “Global Health and
5 Child Survival”, \$300,000,000, to remain available until
6 September 30, 2010: *Provided*, That \$200,000,000 shall
7 be made available for pandemic preparedness and re-
8 sponse: *Provided further*, That \$100,000,000 shall be
9 made available, notwithstanding any other provision of
10 law, except for the United States Leadership Against
11 HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public
12 Law 108–25), for a United States contribution to the
13 Global Fund to Fight AIDS, Tuberculosis and Malaria:
14 *Provided further*, That the amounts made available under
15 this heading in this chapter are in addition to amounts
16 made available for such purpose in the Department of
17 State, Foreign Operations and Related Programs Appro-
18 priations Act, 2009 (division H of Public Law 111–8):
19 *Provided further*, That notwithstanding any other provi-
20 sion of law, to include minimum funding requirements or
21 funding directives, if the President determines and reports
22 to the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate that the human-to-human
24 transmission of the H1N1 virus is efficient and sustained,
25 and is spreading internationally, funds made available

1 under the headings “Global Health and Child Survival”,
 2 “Development Assistance”, “Economic Support Fund”,
 3 and “Millennium Challenge Corporation” in prior Acts
 4 making appropriations for the Department of State, for-
 5 eign operations, and related programs may be made avail-
 6 able to combat the H1N1 virus: *Provided further*, That
 7 funds made available pursuant to the authority of the pre-
 8 vious proviso shall be subject to prior consultation with,
 9 and the regular notification procedures of, the Committees
 10 on Appropriations of the House of Representatives and the
 11 Senate.

12 INTERNATIONAL DISASTER ASSISTANCE

13 For an additional amount for “International Disaster
 14 Assistance”, \$200,000,000, to remain available until ex-
 15 pended.

16 ECONOMIC SUPPORT FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Economic Support
 19 Fund”, \$2,907,500,000, to remain available until Sep-
 20 tember 30, 2010, of which up to \$529,500,000 is for as-
 21 sistance for Pakistan: *Provided*, That of the funds made
 22 available under this heading, not less than \$70,000,000
 23 shall be made available for the National Solidarity Pro-
 24 gram in Afghanistan: *Provided further*, That of the funds
 25 made available under this heading, not more than

1 \$556,000,000 may be made available for assistance for the
2 West Bank and Gaza, of which not to exceed \$5,000,000
3 may be used for administrative expenses of the United
4 States Agency for International Development, in addition
5 to funds otherwise available for such purposes, to carry
6 out programs in the West Bank and Gaza, and of which
7 \$2,000,000 shall be transferred, and merged with, funds
8 available under the heading “United States Agency for
9 International Development, Funds Appropriated to the
10 President, Office of Inspector General” to conduct over-
11 sight of programs in the West Bank and Gaza: *Provided*
12 *further*, That of the amounts made available for assistance
13 for the West Bank and Gaza, not more than \$200,000,000
14 may be made available for cash transfer assistance to the
15 Palestinian Authority: *Provided further*, That none of the
16 funds made available under this heading for cash transfer
17 assistance to the Palestinian Authority may be obligated
18 for salaries of personnel of the Palestinian Authority lo-
19 cated in Gaza: *Provided further*, That up to \$10,000,000
20 of the funds made available under this heading may be
21 made available for disaster assistance in Burma only for
22 humanitarian assistance to Burmese affected by Cyclone
23 Nargis, notwithstanding any other provision of law: *Pro-*
24 *vided further*, That of the funds made available under this
25 heading, up to \$300,000,000 may be made available for

1 assistance for developing countries impacted by the global
2 financial crisis, including Haiti, Liberia, and Indonesia.

3 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

4 For an additional amount for “Assistance for Eu-
5 rope, Eurasia and Central Asia”, \$242,500,000, to remain
6 available until September 30, 2010, shall be available for
7 assistance for Georgia: *Provided*, That funds appropriated
8 under this heading shall be subject to prior consultations
9 with, and the regular notification procedures of, the Com-
10 mittees on Appropriations of the House of Representatives
11 and the Senate.

12 DEPARTMENT OF STATE

13 INTERNATIONAL NARCOTICS CONTROL AND LAW

14 ENFORCEMENT

15 For an additional amount for “International Nar-
16 cotics Control and Law Enforcement”, \$483,500,000, to
17 remain available until September 30, 2010: *Provided*,
18 That not less than \$160,000,000 shall be made available
19 for assistance for Mexico to combat drug trafficking and
20 related violence and organized crime, and for judicial re-
21 form, institution building, anti-corruption, and rule of law
22 activities, and shall be immediately available notwith-
23 standing section 7045(e) of the Department of State, For-
24 eign Operations, and Related Programs Appropriations
25 Act, 2009 (division H of Public Law 111–8): *Provided fur-*

1 *ther*, That funds made available pursuant to the previous
2 proviso shall be made available subject to prior consulta-
3 tion with, and the regular notification procedures of, the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate, except that notifications shall be
6 transmitted at least 5 days in advance of the obligation
7 of any funds appropriated under this heading: *Provided*
8 *further*, That of the funds appropriated under this head-
9 ing, not more than \$106,000,000 shall be made available
10 for security assistance for the West Bank: *Provided fur-*
11 *ther*, That not later than 90 days after the date of enact-
12 ment of this Act, the Secretary of State shall report to
13 the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate, in classified form if nec-
15 essary, on the use of assistance provided by the United
16 States for the training of Palestinian security forces, in-
17 cluding detailed descriptions of the training, curriculum,
18 and equipment provided; and an assessment of the train-
19 ing and the performance of forces after training has been
20 completed.

21 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND

22 RELATED PROGRAMS

23 For an additional amount for “Nonproliferation,
24 Anti-Terrorism, Demining and Related Programs”,
25 \$98,500,000, to remain available until September 30,

1 2010, of which up to \$73,500,000 may be made available
 2 for the Nonproliferation and Disarmament Fund, notwith-
 3 standing any other provision of law, to promote bilateral
 4 and multilateral activities relating to nonproliferation, dis-
 5 armament and weapons destruction, and shall remain
 6 available until expended: *Provided*, That funds made avail-
 7 able for the Nonproliferation and Disarmament Fund
 8 shall be subject to prior consultation with, and the regular
 9 notification procedures of, the Committees on Appropria-
 10 tions of the House of Representatives and the Senate.

11 MIGRATION AND REFUGEE ASSISTANCE

12 For an additional amount for “Migration and Ref-
 13 ugee Assistance”, \$343,000,000, to remain available until
 14 expended.

15 INTERNATIONAL SECURITY ASSISTANCE

16 FUNDS APPROPRIATED TO THE PRESIDENT

17 PEACEKEEPING OPERATIONS

18 For an additional amount for “Peacekeeping Oper-
 19 ations”, \$80,000,000, to remain available until September
 20 30, 2010.

21 INTERNATIONAL MILITARY EDUCATION AND TRAINING

22 For an additional amount for “International Military
 23 Education and Training”, \$2,000,000, to remain available
 24 until September 30, 2010.

1 FOREIGN MILITARY FINANCING PROGRAM

2 For an additional amount for “Foreign Military Fi-
3 nancing Program”, \$1,349,000,000, to remain available
4 until September 30, 2010: *Provided*, That not less than
5 \$310,000,000 shall be made available for assistance for
6 Mexico and shall be immediately available notwithstanding
7 section 7045(e) of the Department of State, Foreign Oper-
8 ations, and Related Programs Appropriations Act, 2009
9 (division H of Public Law 111–8): *Provided further*, That
10 funds made available pursuant to the previous proviso
11 shall be available notwithstanding section 36(b) of the
12 Arms Export Control Act: *Provided further*, That of the
13 funds appropriated under this heading not less than
14 \$150,000,000 shall be available for Jordan: *Provided fur-*
15 *ther*, That of the funds appropriated under this heading,
16 not less than \$555,000,000, shall be available for grants
17 only for Israel and shall be disbursed within 30 days of
18 the enactment of this Act: *Provided further*, That to the
19 extent that the Government of Israel requests that funds
20 be used for such purposes, grants made available for Israel
21 by this paragraph shall, as agreed by the United States
22 and Israel, be available for advanced weapons systems, of
23 which \$145,965,000 shall be available for the procurement
24 in Israel of defense articles and defense services, including
25 research and development: *Provided further*, That of the

1 funds appropriated under this heading, not less than
2 \$260,000,000 shall be made available for grants only for
3 Egypt, including for border security programs and activi-
4 ties in the Sinai: *Provided further*, That funds appro-
5 priated pursuant to the previous proviso estimated to be
6 outlayed for Egypt shall be transferred to an interest bear-
7 ing account for Egypt in the Federal Reserve Bank of
8 New York within 30 days of enactment of this Act: *Pro-*
9 *vided further*, That up to \$74,000,000 may be available
10 for Lebanon only after the Secretary of State submits to
11 the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate a report on procedures estab-
13 lished to determine eligibility of members and units of the
14 security forces of Lebanon to participate in United States
15 training and assistance programs and on the end use mon-
16 itoring of all equipment provided under such programs to
17 the Lebanese security forces: *Provided further*, That prior
18 to the initial obligation of funds the Secretary of State
19 shall certify to the Committees on Appropriations of the
20 House of Representatives and the Senate that all prac-
21 ticable efforts have been made to ensure that such assist-
22 ance is not provided to or through any individual, or pri-
23 vate or government entity, that advocates, plans, sponsors,
24 engages in, or has engaged in, terrorist activity.

1 PAKISTAN COUNTERINSURGENCY CAPABILITY FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 There is hereby established in the Treasury of the
4 United States a special account to be known as the “Paki-
5 stan Counterinsurgency Capability Fund”. For necessary
6 expenses to carry out the provisions of chapter 8 of part
7 I and chapters 2, 5, 6, and 8 of part II of the Foreign
8 Assistance Act of 1961 and section 23 of the Arms Export
9 Control Act for counterinsurgency activities in Pakistan,
10 \$400,000,000, which shall become available on September
11 30, 2009, and remain available until September 30, 2010:
12 *Provided*, That such funds shall be available to the Sec-
13 retary of State, with the concurrence of the Secretary of
14 Defense, notwithstanding any other provision of law, for
15 the purpose of providing assistance for Pakistan to build
16 and maintain the counterinsurgency capability of Paki-
17 stani security forces, and, on an exceptional basis, irreg-
18 ular security forces, to include program management and
19 the provision of equipment, supplies, services, training,
20 and facility and infrastructure repair, renovation, and con-
21 struction: *Provided further*, That these funds may be
22 transferred by the Secretary of State to the Department
23 of Defense or other Federal departments or agencies to
24 support counterinsurgency operations and may be merged
25 with and be available for the same purposes and for the

1 same time period as the appropriation or fund to which
2 transferred, or may be transferred pursuant to the au-
3 thorities contained in the Foreign Assistance Act of 1961:
4 *Provided further*, That the Secretary of State shall, not
5 fewer than 15 days prior to making transfers from this
6 appropriation, notify the Committees on Appropriations of
7 the House of Representatives and the Senate, and the con-
8 gressional defense and foreign affairs committees, in writ-
9 ing of the details of any such transfer: *Provided further*,
10 That the Secretary of State shall submit not later than
11 30 days after the end of each fiscal quarter to the Commit-
12 tees on Appropriations of the House of Representatives
13 and the Senate a report summarizing, on a project-by-
14 project basis, the transfer of funds from this appropria-
15 tion: *Provided further*, That upon determination by the
16 Secretary of Defense or head of other Federal department
17 or agency, with the concurrence of the Secretary of State,
18 that all or part of the funds so transferred from this ap-
19 propriation are not necessary for the purposes herein, such
20 amounts may be transferred by the head of the relevant
21 Federal department or agency back to this appropriation
22 and shall be available for the same purposes and for the
23 same time period as originally appropriated: *Provided fur-*
24 *ther*, That any required notification or report may be sub-
25 mitted in classified or unclassified form.

1 GENERAL PROVISIONS, THIS CHAPTER

2 EXTENSION OF AUTHORITIES

3 SEC. 21001. Funds provided by this chapter may be
4 obligated and expended notwithstanding section 10 of
5 Public Law 91–672, section 15 of the State Department
6 Basic Authorities Act of 1956, section 313 of the Foreign
7 Relations Authorization Act, Fiscal Years 1994 and 1995
8 (Public Law 103–236), and section 504(a)(1) of the Na-
9 tional Security Act of 1947 (50 U.S.C. 414(a)(1)).

10 ALLOCATIONS

11 SEC. 21002. (a) Funds provided in this chapter for
12 the following accounts shall be made available for pro-
13 grams and countries in the amounts contained in the re-
14 spective tables included in the report accompanying this
15 Act:

16 (1) “Diplomatic and Consular Programs”.

17 (2) “Embassy Security, Construction, and
18 Maintenance”.

19 (3) “Economic Support Fund”.

20 (b) For the purposes of implementing this section,
21 and only with respect to the tables included in the report
22 accompanying this Act, the Secretary of State and the Ad-
23 ministrator of the United States Agency for International
24 Development, as appropriate, may propose deviations to
25 the amounts referenced in subsection (a), subject to the

1 regular notification procedures of the Committees on Ap-
 2 propriations of the House of Representatives and the Sen-
 3 ate and section 634A of the Foreign Assistance Act of
 4 1961.

5 SPENDING PLAN AND NOTIFICATION PROCEDURES

6 SEC. 21003. (a) SPENDING PLAN.—Not later than
 7 45 days after the date of enactment of this Act, the Sec-
 8 retary of State, in consultation with the Administrator of
 9 the United States Agency for International Development,
 10 shall submit to the Committees on Appropriations of the
 11 House of Representatives and the Senate a report detail-
 12 ing planned expenditures for funds appropriated in this
 13 chapter, except for funds appropriated under the headings
 14 “International Disaster Assistance” and “Migration and
 15 Refugee Assistance”.

16 (b) NOTIFICATION.—Funds made available in this
 17 chapter shall be subject to the regular notification proce-
 18 dures of the Committees on Appropriations of the House
 19 of Representatives and the Senate and section 634A of
 20 the Foreign Assistance Act of 1961.

21 UNRWA ACCOUNTABILITY

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 21004. (a) LIMITATION.—Of the funds made
 24 available in this chapter under the heading “Migration
 25 and Refugee Assistance”, not more than \$119,000,000

1 may be made available to the United Nations Relief and
2 Works Agency (UNRWA) for activities in the West Bank
3 and Gaza.

4 (b) ACCOUNTABILITY REPORT.—The Secretary of
5 State shall prepare and submit to the Committees on Ap-
6 propriations of the House of Representatives and the Sen-
7 ate not later than 45 days after the date of enactment
8 of this Act a report on whether UNRWA is—

9 (1) continuing to utilize Operations Support Of-
10 ficers in the West Bank and Gaza to inspect
11 UNRWA installations and report any inappropriate
12 use;

13 (2) acting swiftly in dealing with staff or bene-
14 ficiary violations of its own policies (including the
15 policies on neutrality and impartiality of employees)
16 and the legal requirements under Section 301(c) of
17 the Foreign Assistance Act of 1961;

18 (3) taking necessary and appropriate measures
19 to ensure it is operating in full compliance with the
20 conditions of section 301(c) of the Foreign Assist-
21 ance Act of 1961;

22 (4) continuing to report every six months to the
23 Department of State on actions it has taken to en-
24 sure conformance with the conditions of section
25 301(c) of the Foreign Assistance Act of 1961;

1 (5) taking steps to improve the transparency of
2 all educational materials and supplemental edu-
3 cational materials currently in use in UNRWA-ad-
4 ministered schools;

5 (6) continuing to use supplemental curriculum
6 materials in UNRWA-supported schools and summer
7 camps designed to promote tolerance, non-violent
8 conflict resolution and human rights;

9 (7) not engaging in operations with financial in-
10 stitutions, or entities of any kind, in violation of rel-
11 evant United States law and is enhancing its trans-
12 parency and financial due diligence and diversifying
13 its banking operations in the region; and

14 (8) in compliance with the United Nations
15 Board of Auditors' biennial audit requirements and
16 is implementing in a timely fashion the Board of
17 Auditors' recommendations.

18 (c) OVERSIGHT.—Of the funds made available in this
19 chapter under the heading “Economic Support Fund” for
20 assistance for the West Bank and Gaza, \$1,000,000 shall
21 be transferred to, and merged with, funds available under
22 the heading “Administration of Foreign Affairs, Office of
23 Inspector General” for oversight of programs in the West
24 Bank, Gaza and surrounding region.

1 WOMEN AND GIRLS IN AFGHANISTAN

2 SEC. 21005. (a) Funds made available in this chapter
3 for assistance for Afghanistan shall comply with sections
4 7062 (Women in Development) and 7063 (Gender-Based
5 Violence) of the Department of State, Foreign Operations,
6 and Related Programs Appropriations Act, 2009 (division
7 H of Public Law 111–8) and should be made available
8 to support programs that increase participation by women
9 in the political process, including at the national, regional
10 and local levels: *Provided*, That such programs should en-
11 sure participation in efforts to improve security and polit-
12 ical stability in Afghanistan.

13 (b) Not later than 180 days after enactment of this
14 Act, the Secretary of State shall submit a report to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate on the steps taken to respond to
17 the special security and development needs of women in
18 Afghanistan.

19 SOMALIA

20 SEC. 21006. (a) ECONOMIC ASSISTANCE.—Of the
21 funds made available in this chapter under the heading
22 “Economic Support Fund”, \$10,000,000 shall be avail-
23 able for assistance for Somalia.

24 (b) SECURITY ASSISTANCE.—Of the funds made
25 available in this chapter under the heading “Peacekeeping

1 Operations” for assistance for Somalia, \$70,000,000 is
2 available for equipment, logistical support and facilities for
3 the expanded African Union Mission to Somalia
4 (AMISOM) and for security sector reform.

5 (c) REPORT.—Not later than 45 days after the date
6 of enactment of this Act, the Secretary of State, in con-
7 sultation with relevant Federal departments or agencies,
8 shall submit a report to the Committees on Appropriations
9 of the House of Representatives and the Senate on the
10 feasibility of creating an indigenous maritime capability
11 to combat piracy off the coast of the Horn of Africa.

12 (d) NOTIFICATION REQUIREMENT.—Funds made
13 available in this chapter for assistance for Somalia shall
14 be subject to the regular notification procedures of the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate.

17 ASSISTANCE FOR DEVELOPING COUNTRIES IMPACTED BY
18 THE GLOBAL FINANCIAL CRISIS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 21007. (a) AVAILABILITY OF FUNDS.—Funds
21 made available in this chapter for assistance for devel-
22 oping countries impacted by the global financial crisis
23 should only be made available to countries that—

24 (1) have a 2007 per capita Gross National In-
25 come of \$3,705 or less;

1 (2) have seen a contraction in predicted growth
2 rates of 2 percent or more since 2007; and

3 (3) demonstrate consistent improvement on the
4 democracy and governance indicators as measured
5 by the Millennium Challenge Corporation 2009
6 Country Scorebook.

7 (b) TRANSFER AUTHORITIES.—Of the funds made
8 available in this chapter under the heading “Economic
9 Support Fund” for developing countries impacted by the
10 global financial crisis—

11 (1) up to \$29,000,000 may be transferred and
12 merged with “Development Credit Authority”, for
13 the cost of direct loans and loan guarantees notwith-
14 standing the dollar limitations in such account on
15 transfers to the account and the principal amount of
16 loans made or guaranteed with respect to any single
17 country or borrower: *Provided*, That such trans-
18 ferred funds may be available to subsidize total loan
19 principal, any portion of which is to be guaranteed,
20 of up to \$2,000,000,000: *Provided further*, That the
21 authority provided by the previous proviso is in addi-
22 tion to authority provided under the heading “Devel-
23 opment Credit Authority” in the Department of
24 State, Foreign Operations, and Related Programs
25 Appropriations Act, 2009 (division H of Public Law

1 111–8): *Provided further*, That up to \$1,500,000
2 may be for administrative expenses to carry out
3 credit programs administered by the United States
4 Agency for International Development; and

5 (2) up to \$20,000,000 may be transferred and
6 merged with “Overseas Private Investment Corpora-
7 tion Program Account”: *Provided*, That the author-
8 ity provided in this paragraph is in addition to au-
9 thority provided in section 7081 in the Department
10 of State, Foreign Operations, and Related Programs
11 Appropriations Act, 2009 (division H of Public Law
12 111–8).

13 (c) REPORT.—The Secretary of State, in consultation
14 with the Administrator of the United States Agency for
15 International Development, shall submit a spending plan
16 not later than 45 days after the date of enactment of this
17 Act to the Committees on Appropriations of the House
18 of Representatives and Senate, and prior to the initial obli-
19 gation of funds appropriated for countries impacted by the
20 global economic crisis, detailing the use of all funds on
21 a country-by-country, and project-by-project basis: *Pro-*
22 *vided*, For each project, the report shall include (1) the
23 projected economic impact of providing such funds; (2) the
24 name of the entity or implementing organization to which
25 funds are being provided; and (3) if funds will be provided

1 as a direct cash transfer to a local or national government
2 entity: *Provided further*, That funds transferred to the De-
3 velopment Credit Authority and the Overseas Private In-
4 vestment Corporation are subject to the reporting require-
5 ments in section 21003.

6 EVALUATING AFGHAN AND PAKISTANI CONDUCT AND
7 COMMITMENT

8 SEC. 21008. (a) FINDINGS REGARDING PROGRESS IN
9 AFGHANISTAN AND PAKISTAN.—Congress makes the fol-
10 lowing findings:

11 (1) Over 40,000 American military personnel
12 are currently serving in Afghanistan, with the brav-
13 ery and professionalism consistent with the finest
14 traditions of the United States Armed Forces, and
15 are deserving of the strong support of all Americans.

16 (2) Many American service personnel have lost
17 their lives, and many more have been wounded in
18 Afghanistan. The American people will always honor
19 their sacrifice and honor their families.

20 (3) Afghanistan and Pakistan are experiencing
21 a deterioration of their internal security resulting
22 from a growing insurgency fueled by Al Qaeda, the
23 Taliban and other extremist networks that continue
24 to operate along the western border of Pakistan, in-
25 cluding in the Federally Administered Tribal Areas

1 (FATA), as well as in areas under central govern-
2 ment authority such as Quetta in Baluchistan and
3 Muridke in Punjab.

4 (4) The United States and the international
5 community have welcomed and supported Pakistan's
6 return to civilian rule after almost nine years with
7 the free and fair elections of February 18, 2008,
8 and have supported the development of a democratic
9 government in Afghanistan.

10 (5) Since 2001, the United States has contrib-
11 uted more than \$33,000,000,000 to Afghanistan and
12 \$12,000,000,000 to Pakistan to strengthen each
13 country's governance, economy, education system,
14 healthcare services, and military.

15 (6) The governments of Afghanistan and Paki-
16 stan must expand the writ of the national govern-
17 ment across all provinces to secure their borders,
18 protect their population, enforce the rule of law, and
19 tackle the pervasive problem of corruption in order
20 to bring security and stability to their people.

21 (b) REPORT.—Because the stability and security of
22 the region is tied more to the capacity and conduct of the
23 Afghan and Pakistani governments and to the resolve of
24 both societies than it is to the policies of the United
25 States, the President shall submit a report to the Con-

1 gress, not later than the date of submission of the fiscal
2 year 2011 budget request, assessing whether the Govern-
3 ments of Afghanistan and Pakistan are, or are not, dem-
4 onstrating the necessary commitment, capability, conduct
5 and unity of purpose to warrant the continuation of the
6 President's policy announced on March 27, 2009. The
7 President, on the basis of information gathered and co-
8 ordinated by the National Security Council, shall advise
9 the Congress on how that assessment requires, or does not
10 require, changes to that policy. The measures used to
11 evaluate the Afghan and Pakistani governments' record
12 of concrete performance shall include the following stand-
13 ards of performance:

14 (1) Level of political consensus and unity of
15 purpose across ethnic, tribal, religious and party af-
16 filiations to confront the political and security chal-
17 lenges facing the region.

18 (2) Level of government corruption and actions
19 taken to eliminate it.

20 (3) Performance of the respective security
21 forces in developing a counterinsurgency capability,
22 conducting counterinsurgency operations and estab-
23 lishing population security.

24 (4) Performance of the respective intelligence
25 agencies in cooperating with the United States on

1 counterinsurgency and counterterrorism operations
2 and in purging themselves of policies, programs and
3 personnel that provide material support to extremist
4 networks that target United States troops or under-
5 mine United States objectives in the region.

6 (5) Ability of the Afghan and Pakistani govern-
7 ments to effectively control the territory within their
8 respective borders.

9 PROHIBITION ON ASSISTANCE TO HAMAS

10 SEC. 21009. (a) None of the funds made available
11 in this chapter may be made available for assistance to
12 Hamas, or any entity effectively controlled by Hamas or
13 any power-sharing government of which Hamas is a mem-
14 ber.

15 (b) Notwithstanding the limitation of subsection (a),
16 assistance may be provided to a power-sharing government
17 if the President certifies in writing and reports to the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate that such government, including all
20 of its ministers or such equivalent, has publicly accepted
21 and is complying with the principles contained in subpara-
22 graphs (A) and (B) of section 620K(b)(1) of the Foreign
23 Assistance Act of 1961 (22 U.S.C. 2378b(b)(1)).

24 (c) The President may exercise the authority in sec-
25 tion 620K(e) of the Foreign Assistance Act of 1961 (22

1 U.S.C. 2378b(e)) with respect to the limitations of this
2 section.

3 (d) REPORT.—Whenever the certification pursuant to
4 subsection (b) is exercised, the Secretary of State shall
5 submit a report to the Committees on Appropriations of
6 the House of Representatives and the Senate within 120
7 days of the certification and every quarter thereafter on
8 whether such government, including all of its ministers or
9 such equivalent are continuing to publically accept and
10 comply with the principles contained in section 620K(b)(1)
11 (A) and (B) of the Foreign Assistance Act of 1961 (22
12 U.S.C. 2378b(b)(1)). The report shall also detail the
13 amount, purposes and delivery mechanisms for any assist-
14 ance provided pursuant to the abovementioned certifi-
15 cation and a full accounting of any direct support of such
16 government.

17 TERMS AND CONDITIONS

18 SEC. 21010. Unless otherwise provided for in this
19 Act, funds appropriated or otherwise made available in
20 this chapter shall be available under the authorities and
21 conditions provided in the Department of State, Foreign
22 Operations, and Related Programs Appropriations Act,
23 2009 (division H of Public Law 111–8), except that sec-
24 tions 7070(e), with respect to funds made available for
25 macroeconomic growth assistance for Zimbabwe, and 7042

1 (a) and (c) of such Act shall not apply to funds made
2 available in this chapter.

3 TITLE III—GENERAL PROVISIONS, THIS ACT

4 SEC. 30001. (a) Not later than October 1, 2009, the
5 President shall submit to the Congress, in writing, a com-
6 prehensive plan regarding the proposed disposition of the
7 detention center at Naval Station, Guantanamo Bay,
8 Cuba, to include—

9 (1) a proposed disposition of individuals de-
10 tained as of April 30, 2009;

11 (2) a determination that such disposition does
12 not pose a risk that cannot be mitigated if such indi-
13 vidual is prosecuted, transferred or released, includ-
14 ing a plan for such mitigation; and

15 (3) a detailed analysis of the total estimated di-
16 rect costs of closing the detention facility at Naval
17 Station, Guantanamo Bay, Cuba, and any related
18 costs, including the estimated costs of detention,
19 prosecution, security, and incarceration in the
20 United States of the individuals detained at such fa-
21 cility.

22 (b) The plan required under subsection (a) shall be
23 submitted in unclassified form, but shall include a classi-
24 fied annex, if necessary.

1 AVAILABILITY OF FUNDS

2 SEC. 30002. No part of any appropriation contained
3 in this Act shall remain available for obligation beyond
4 the current fiscal year unless expressly so provided herein.

5 OVERSEAS DEPLOYMENTS AND EMERGENCY

6 DESIGNATIONS

7 SEC. 30003. (a) OVERSEAS DEPLOYMENTS DESIGNA-
8 TIONS.—Except as provided in subsection (b), each
9 amount in this Act is designated as being for overseas de-
10 ployments and other activities pursuant to paragraphs (1)
11 and (2) of section 423(a) of S. Con. Res. 13 (111th Con-
12 gress), the concurrent resolution on the budget for fiscal
13 year 2010.

14 (b) EMERGENCY DESIGNATIONS.—Each amount in
15 chapters 6, 7, and 8 of title II is designated as necessary
16 to meet emergency needs pursuant to section 423(b) of
17 S. Con. Res. 13 (111th Congress), the concurrent resolu-
18 tion on the budget for fiscal year 2010.

19 RESTRICTIONS AND REQUIREMENTS REGARDING THE
20 TRANSFER AND RELEASE OF GUANTANAMO BAY DE-
21 TAINÉES

22 SEC. 30004. (a) None of the funds made available
23 in this or any prior Act may be used to release an indi-
24 vidual who is detained, as of April, 30, 2009, at Naval
25 Station, Guantanamo Bay, Cuba, into the continental

1 United States, Alaska, Hawaii, or the District of Colum-
2 bia.

3 (b) None of the funds made available in this or any
4 prior Act may be used to transfer an individual who is
5 detained, as of April, 30, 2009, at Naval Station, Guanta-
6 namo Bay, Cuba, into the continental United States, Alas-
7 ka, Hawaii, or the District of Columbia, for the purposes
8 of detaining or prosecuting such individual until 2 months
9 after the plan detailed in subsection (c) is received.

10 (c) The President shall submit to the Congress, in
11 writing, a comprehensive plan regarding the proposed dis-
12 position of each individual who is detained, as of April,
13 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who
14 is not covered under subsection (d). Such plan shall in-
15 clude, at a minimum, each of the following for each such
16 individual:

17 (1) The findings of an analysis regarding any
18 risk to the national security of the United States
19 that is posed by the transfer of the individual.

20 (2) The costs associated with not transferring
21 the individual in question.

22 (3) The legal rationale and associated court de-
23 mands for transfer.

24 (4) A certification by the President that any
25 risk described in paragraph (1) has been mitigated,

1 together with a full description of the plan for such
2 mitigation.

3 (5) A certification by the President that the
4 President has submitted to the Governor and legisla-
5 ture of the State to which the President intends to
6 transfer the individual a certification in writing at
7 least 30 days prior to such transfer (together with
8 supporting documentation and justification) that the
9 individual does not pose a security risk to the United
10 States.

11 (d) None of the funds made available in this or any
12 prior Act may be used to transfer or release an individual
13 detained at Naval Station, Guantanamo Bay, Cuba, as of
14 April 30, 2009, to the country of such individual's nation-
15 ality or last habitual residence or to any other country
16 other than the United States, unless the President submits
17 to the Congress, in writing, at least 30 days prior to such
18 transfer or release, the following information:

19 (1) The name of any individual to be trans-
20 ferred or released and the country to which such in-
21 dividual is to be transferred or released.

22 (2) An assessment of any risk to the national
23 security of the United States or its citizens, includ-
24 ing members of the Armed Services of the United

1 States, that is posed by such transfer or release and
2 the actions taken to mitigate such risk.

3 (3) The terms of any agreement with another
4 country for acceptance of such individual, including
5 the amount of any financial assistance related to
6 such agreement.

7 SHORT TITLE

8 SEC. 30005. This Act may be cited as the “Supple-
9 mental Appropriations Act, 2009”.

Passed the House of Representatives May 14, 2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 63

11TH CONGRESS
1ST Session

H. R. 2346

AN ACT

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

MAY 14, 2009

Received; read twice and placed on the calendar