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111TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { 111–_____

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009, AND FOR OTHER PURPOSES

_____, 2009.—Ordered to be printed

_____, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 2346]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

GPO: set ital

1 TITLE I

2 DEPARTMENT OF AGRICULTURE

3 FOREIGN AGRICULTURAL SERVICE

4 PUBLIC LAW 480 TITLE II GRANTS

5 For an additional amount for "Public Law 480 Title
6 II Grants", $700,000,000, to remain available until ex-
7 pended.

8 GENERAL PROVISIONS—THIS TITLE

9 SEC. 101. Notwithstanding any other provision of
10 law, amounts made available to provide assistance under
11 the emergency conservation program established under
12 title IV of the Agricultural Credit Act of 1978 (16 U.S.C.
13 2201 and 2202) and unobligated as of the date of the en-
14 actment of this Act shall be available to the Secretary of
15 Agriculture, until expended, for expenses under that pro-
16 gram related to recovery efforts in response to natural dis-
17 asters.

18 SEC. 102. (a) For an additional amount for gross ob-
19 ligations for the principal amount of direct and guaran-
20 teed farm ownership (7 U.S.C. 1922 et seq.) and oper-
21 ating (7 U.S.C. 1941 et seq.) loans, to be available from
22 funds in the Agricultural Credit Insurance Fund, as fol-
23 lows: 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 (b) 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.

1 TITLE II

2 DEPARTMENT OF COMMERCE

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 For an additional amount for "Economic Develop-
6 ment Assistance Programs", $40,000,000, to remain
7 available until September 30, 2010: *Provided*, That the
8 amount provided under this heading shall be for Trade
9 Adjustment Assistance for Communities under subchapter
10 A, chapter 4, title II of the Trade Act of 1974 (19 U.S.C.
11 2371 et seq.) and Trade Adjustment Assistance for Firms
12 under chapter 3, title II of the Trade Act of 1974 (19
13 U.S.C. 2341 et seq.).

14 DEPARTMENT OF JUSTICE

15 DETENTION TRUSTEE

16 For an additional amount for "Detention Trustee",
17 $60,000,000, to remain available until September 30,
18 2010.

19 LEGAL ACTIVITIES

20 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

21 For an additional amount for "Salaries and Ex-
22 penses", $1,648,000, to remain available until September
23 30, 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses", $15,000,000, to remain available until September 30, 2010.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2010.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,389,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $35,000,000, to remain available until September 30, 2010.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until September 30, 2010.

1 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
2 EXPLOSIVES
3 SALARIES AND EXPENSES
4 For an additional amount for "Salaries and Ex-
5 penses", $14,000,000, to remain available until September
6 30, 2010.
7 FEDERAL PRISON SYSTEM
8 SALARIES AND EXPENSES
9 For an additional amount for "Salaries and Ex-
10 penses", $5,038,000, to remain available until September
11 30, 2010.
12 GENERAL PROVISIONS—THIS TITLE
13 (INCLUDING RESCISSION)
14 SEC. 201. (a) Of the funds appropriated in chapter
15 2 of title I of Public Law 110–252 under the heading "Of-
16 fice of Inspector General", $3,000,000 is rescinded.
17 (b) For an additional amount for "Office of Inspector
18 General", $3,000,000, to remain available until September
19 30, 2010.

1 TITLE III

2 DEPARTMENT OF DEFENSE

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for "Military Personnel,
6 Army", $11,750,687,000.

7 MILITARY PERSONNEL, NAVY

8 For an additional amount for "Military Personnel,
9 Navy", $1,627,288,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For an additional amount for "Military Personnel,
12 Marine Corps", $1,524,947,000.

13 MILITARY PERSONNEL, AIR FORCE

14 For an additional amount for "Military Personnel,
15 Air Force", $1,500,740,000.

16 RESERVE PERSONNEL, ARMY

17 For an additional amount for "Reserve Personnel,
18 Army", $418,155,000.

19 RESERVE PERSONNEL, NAVY

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

22 RESERVE PERSONNEL, MARINE CORPS

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

1 RESERVE PERSONNEL, AIR FORCE

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

4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for "National Guard Per-
6 sonnel, Army", $1,775,733,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For an additional amount for "National Guard Per-
9 sonnel, Air Force", $45,000,000.

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for "Operation and Main-
13 tenance, Army", $13,769,418,000.

14 OPERATION AND MAINTENANCE, NAVY

15 For an additional amount for "Operation and Main-
16 tenance, Navy", $2,274,903,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For an additional amount for "Operation and Main-
19 tenance, Marine Corps", $1,034,366,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for "Operation and Main-
22 tenance, Air Force", $5,980,386,000.

23 OPERATION AND MAINTENANCE, DEFENSE-WIDE

24 For an additional amount for "Operation and Main-
25 tenance, Defense-Wide", $5,101,696,000, of which:

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

(2) not to exceed $1,000,000,000, to remain available until expended, for payments to reimburse key cooperating nations, for logistical, military, and other support including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided,* That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing

1 such supplies and loaning such equipment on a non-
2 reimbursable basis to coalition forces supporting
3 United States military operations in Iraq and Af-
4 ghanistan: *Provided further*, That the Secretary of
5 Defense shall provide quarterly reports to the con-
6 gressional defense committees on the use of funds
7 provided in this paragraph.

8 OPERATION AND MAINTENANCE, ARMY RESERVE

9 For an additional amount for "Operation and Main-
10 tenance, Army Reserve", $110,017,000.

11 OPERATION AND MAINTENANCE, NAVY RESERVE

12 For an additional amount for "Operation and Main-
13 tenance, Navy Reserve", $25,569,000.

14 OPERATION AND MAINTENANCE, MARINE CORPS
15 RESERVE

16 For an additional amount for "Operation and Main-
17 tenance, Marine Corps Reserve", $30,775,000.

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For an additional amount for "Operation and Main-
20 tenance, Air Force Reserve", $34,599,000.

21 OPERATION AND MAINTENANCE, ARMY NATIONAL
22 GUARD

23 For an additional amount for "Operation and Main-
24 tenance, Army National Guard", $178,446,000.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $3,606,939,000, 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, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further,* That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account,

1 notify the congressional defense committees in writing of
2 the details of any such obligation.

3 PAKISTAN COUNTERINSURGENCY FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 There is hereby established in the Treasury of the
6 United States the "Pakistan Counterinsurgency Fund".
7 For the "Pakistan Counterinsurgency Fund",
8 $400,000,000, to remain available until September 30,
9 2010: *Provided*, That such funds shall be available to the
10 Secretary of Defense, with the concurrence of the Sec-
11 retary of State, notwithstanding any other provision of
12 law, for the purpose of allowing the Secretary of Defense,
13 or the Secretary's designee, to provide assistance to Paki-
14 stan's security forces; including program management and
15 the provision of equipment, supplies, services, training,
16 and funds; and facility and infrastructure repair, renova-
17 tion, and construction to build the counterinsurgency ca-
18 pability of Pakistan's military and Frontier Corps, and of
19 which up to $2,000,000 shall be available to provide ur-
20 gent humanitarian assistance to the people of Pakistan
21 only as part of civil-military training exercises for Paki-
22 stani security forces receiving assistance under the Paki-
23 stan Counterinsurgency Fund and to assist the Govern-
24 ment of Pakistan in creating such a program beginning
25 in fiscal year 2010: *Provided further*, That the authority

to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such amounts as the Secretary may determine from the funds provided herein to any appropriations available to the Department of Defense or, with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account to accomplish the purposes provided herein: *Provided further*, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That the authority of the Secretary of Defense to obligate or transfer funds pursuant to this paragraph shall apply only to funds appropriated for such purposes in this Act (including funds appropriated by another paragraph of this Act that are transferred to the Pakistan Counterinsurgency Fund by such other paragraph), and such authority shall not be continued beyond the expiration date specified in the matter preceding the first proviso, except with respect to funds so transferred to the Pakistan Counterinsurgency Fund by another paragraph of this Act: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this

appropriation account, notify the Committees on Appropriations in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $1,192,744,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $704,041,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,983,971,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $230,075,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $7,113,742,000, to remain available until September 30, 2011.

1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for "Aircraft Procurement,
3 Navy", $636,669,000, to remain available until September
4 30, 2011.

5 WEAPONS PROCUREMENT, NAVY

6 For an additional amount for "Weapons Procure-
7 ment, Navy", $29,498,000, to remain available until Sep-
8 tember 30, 2011.

9 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
10 CORPS

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

14 OTHER PROCUREMENT, NAVY

15 For an additional amount for "Other Procurement,
16 Navy", $197,193,000, to remain available until September
17 30, 2011.

18 PROCUREMENT, MARINE CORPS

19 For an additional amount for "Procurement, Marine
20 Corps", $1,526,447,000, to remain available until Sep-
21 tember 30, 2011.

22 AIRCRAFT PROCUREMENT, AIR FORCE

23 For an additional amount for "Aircraft Procurement,
24 Air Force", $4,592,068,000, to remain available until
25 September 30, 2011.

1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for "Missile Procurement,
3 Air Force", $49,716,000, to remain available until Sep-
4 tember 30, 2011.

5 PROCUREMENT OF AMMUNITION, AIR FORCE

6 For an additional amount for "Procurement of Am-
7 munition, Air Force", $158,684,000, to remain available
8 until September 30, 2011.

9 OTHER PROCUREMENT, AIR FORCE

10 For an additional amount for "Other Procurement,
11 Air Force", $1,802,083,000, to remain available until
12 September 30, 2011.

13 PROCUREMENT, DEFENSE-WIDE

14 For an additional amount for "Procurement, De-
15 fense-Wide", $237,868,000, to remain available until Sep-
16 tember 30, 2011.

17 NATIONAL GUARD AND RESERVE EQUIPMENT

18 For an additional amount for "National Guard and
19 Reserve Equipment", $500,000,000, to remain available
20 until September 30, 2011: *Provided*, That such funds may
21 be used only to procure high priority items of equipment
22 that may be used by reserve component units for combat
23 missions and units' missions in support of the State gov-
24 ernors: *Provided further*, That the Chiefs of the National
25 Guard and of the Reserve components shall, not later than

60 days after the enactment of this Act, individually submit to the congressional defense committees a listing of items of equipment to be procured for their respective National Guard or Reserve component.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Mine Resistant Ambush Protected Vehicle Fund", $4,543,000,000, 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 purpose provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

5 For an additional amount for "Research, Develop-
6 ment, Test and Evaluation, Army", $52,935,000, to re-
7 main available until September 30, 2010.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 NAVY

10 For an additional amount for "Research, Develop-
11 ment, Test and Evaluation, Navy", $136,786,000, to re-
12 main available until September 30, 2010.

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

15 For an additional amount for "Research, Develop-
16 ment, Test and Evaluation, Air Force", $160,474,000, to
17 remain available until September 30, 2010.

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

20 For an additional amount for "Research, Develop-
21 ment, Test and Evaluation, Defense-Wide",
22 $483,304,000, to remain available until September 30,
23 2010.

1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

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

6 OTHER DEPARTMENT OF DEFENSE PROGRAMS

7 DEFENSE HEALTH PROGRAM

8 For an additional amount for "Defense Health Pro-
9 gram", $1,055,297,000, of which $845,508,000 is for op-
10 eration and maintenance; of which $50,185,000, to remain
11 available until September 30, 2011, is for procurement;
12 and of which $159,604,000, to remain available until Sep-
13 tember 30, 2010, is for research, development, test and
14 evaluation: *Provided*, That up to $14,360,000,000 appro-
15 priated for operation and maintenance under this heading
16 or any prior Act may be available for contracts entered
17 into under the Tricare program.

18 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
19 DEFENSE

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for "Drug Interdiction and
22 Counter-Drug Activities, Defense", $120,398,000, to re-
23 main available until September 30, 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,116,746,000, to remain available until September 30, 2011.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $9,551,000.

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act,

1 2009 (division C of Public Law 110–329) except for the
2 fourth proviso.

3 SEC. 303. Funds appropriated by this Act, or made
4 available by the transfer of funds in this Act, for intel-
5 ligence activities are deemed to be specifically authorized
6 by the Congress for purposes of section 504(a)(1) of the
7 National Security Act of 1947 (50 U.S.C. 414(a)(1)).

8 (INCLUDING TRANSFER OF FUNDS)

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

20 SEC. 305. Supervision and administration costs asso-
21 ciated with a construction project funded with appropria-
22 tions available for operation and maintenance or "Afghan-
23 istan Security Forces Fund" provided in this title, and
24 executed in direct support of the overseas contingency op-
25 erations in Iraq and Afghanistan, may be obligated at the

1 time a construction contract is awarded: *Provided,* That
2 for the purpose of this section, supervision and adminis-
3 tration costs include all in-house Government costs.

4 (INCLUDING RESCISSIONS)

5 SEC. 306. (a)(1) Of the funds appropriated in chap-
6 ter 2 of title IX of Public Law 110–252 under the head-
7 ing, "Iraq Security Forces Fund", $1,000,000,000 is re-
8 scinded.

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

16 (b) Notwithstanding any other provision of this Act,
17 each amount in this section is designated as an emergency
18 requirement and necessary to meet emergency needs pur-
19 suant to sections 403(a) and 423(b) of S. Con. Res. 13
20 (111th Congress), the concurrent resolution on the budget
21 for fiscal year 2010.

22 SEC. 307. Funds made available in this title to the
23 Department of Defense for operation and maintenance
24 may be used to purchase items having an investment unit
25 cost of not more than $250,000: *Provided,* That upon de-

1 termination by the Secretary of Defense that such action
2 is necessary to meet the operational requirements of a
3 Commander of a Combatant Command engaged in contin-
4 gency operations overseas, such funds may be used to pur-
5 chase items having an investment item unit cost of not
6 more than $500,000: *Provided further*, That the Secretary
7 shall report to the Congress all purchases made pursuant
8 to this authority within 30 days of using the authority.
9 SEC. 308. From funds made available in this title,
10 the Secretary of Defense may purchase motor vehicles for
11 use by military and civilian employees of the Department
12 of Defense in Iraq and Afghanistan, up to a limit of
13 $75,000 per vehicle, notwithstanding other limitations ap-
14 plicable to passenger carrying motor vehicles.
15 (RESCISSIONS)
16 SEC. 309. Of the funds appropriated in Department
17 of Defense Appropriations Acts, the following funds are
18 hereby rescinded from the following accounts and pro-
19 grams in the specified amounts: *Provided*, That none of
20 the amounts may be rescinded from amounts that were
21 designated by the Congress as an emergency requirement
22 pursuant to a Concurrent Resolution on the Budget or the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985, as amended:

"Procurement, Marine Corps, 2007/2009", $54,400,000;

"Other Procurement, Army, 2008/2010", $29,300,000;

"Procurement, Marine Corps, 2008/2010", $10,300,000;

"Aircraft Procurement, Air Force, 2008/2010", $44,000,000;

"Research, Development, Test and Evaluation, Navy, 2008/2009", $11,300,000;

"Research, Development, Test and Evaluation, Air Force, 2008/2009", $36,107,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2008/2009", $169,124,000;

"Operation and Maintenance, Army, 2009/2009", $352,359,000;

"Operation and Maintenance, Navy, 2009/2009", $881,481,000;

"Operation and Maintenance, Marine Corps, 2009/2009", $54,466,000;

"Operation and Maintenance, Air Force, 2009/2009", $925,203,000;

"Operation and Maintenance, Defense-Wide, 2009/2009", $267,635,000;

"Operation and Maintenance, Army Reserve, 2009/2009", $23,338,000;

"Operation and Maintenance, Navy Reserve, 2009/2009", $62,910,000;

"Operation and Maintenance, Marine Corps Reserve, 2009/2009", $1,250,000;

"Operation and Maintenance, Air Force Reserve, 2009/2009", $163,786,000;

"Operation and Maintenance, Army National Guard, 2009/2009", $57,819,000;

"Operation and Maintenance, Air National Guard, 2009/2009", $250,645,000;

"Aircraft Procurement, Army, 2009/2011", $22,600,000;

"Procurement of Ammunition, Army, 2009/2011", $107,100,000;

"Other Procurement, Army, 2009/2011", $245,000,000;

"Procurement, Marine Corps, 2009/2011", $10,300,000;

"Other Procurement, Air Force, 2009/2011", $17,500,000;

"Procurement, Defense-Wide, 2009/2011", $6,400,000;

"Research, Development, Test and Evaluation, Army, 2009/2010", $187,710,000;

"Research, Development, Test and Evaluation, Navy, 2009/2010", $217,060,000; and

"Research, Development, Test and Evaluation, Air Force, 2009/2010", $287,567,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 310. (a) RETROACTIVE STOP-LOSS SPECIAL PAY COMPENSATION TO ELIGIBLE CLAIMANTS.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $534,400,000 is appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That such funds shall be available to the Secretaries of the military departments only to make payment of claims specified in subsection (b) to members of the Armed Forces, including members of the reserve components, and former and retired members under the jurisdiction of the Secretary who, at any time during the period beginning on September 11, 2001, and ending on September 30, 2009, served on active duty while the members' enlistment or period of obligated service was extended, or whose eligibility for retirement was suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") authorizing

1 the President to extend an enlistment or period of obli-
2 gated service, or suspend an eligibility for retirement, of
3 a member of the uniformed services in time of war or of
4 national emergency declared by Congress or the President.
5 (b) CLAIMS SUBMISSION REQUIRED.—Claims for ret-
6 roactive Stop-Loss Special Pay compensation under this
7 section shall be submitted to the Secretary of the Military
8 Department concerned not later than 1 year after the date
9 on which the implementing rules of subsection (d) take
10 effect. Notwithstanding any other provision of law, the
11 Secretaries of the military departments may not pay
12 claims that are submitted more than 1 year after the date
13 on which the implementing rules of subsection (d) take
14 effect.
15 (c) PAYMENT AMOUNT.—The amount to be paid
16 under subsection (a) to or on behalf of an eligible member,
17 retired member, or former member described in such sub-
18 section shall be $500 per month for each month or portion
19 of a month during the period specified in such subsection
20 that the member was retained on active duty as a result
21 of application of the stop-loss authority.
22 (d) RULEMAKING.—Not later than 120 days after the
23 date of enactment of this Act, the Secretary of Defense
24 shall issue rules to expedite the payment of claims under
25 subsection (b).

(e) TREATMENT OF DECEASED MEMBERS.—If an eligible member, retired member, or former member described in subsection (a) dies before the payment required by this section is made, the Secretary concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

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

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

(h) REPORT ON EXECUTION.—The ~~conferees direct the~~ Secretary of Defense ~~to provide a report to the con-~~ shall gressional defense committees on the implementation of the retroactive stop-loss benefit. The report shall include the following: the number of claims filed, the number of claims approved, the number of claims denied, the number

1 of claims still pending, the amount of funding that has
2 been obligated, the amount of funding still available for
3 this purpose, and the average payment provided. This re-
4 port is due 1 year after the date on which the imple-
5 menting rules of subsection (d) take effect, and every 6
6 months thereafter until all funding provided for this pur-
7 pose has been obligated and all submitted claims have
8 been processed.

9 SEC. 311. (a) Section 132 of the National Defense
10 Authorization Act for Fiscal Year 2004 (Public Law 108–
11 136; 117 Stat. 1392) is repealed.

12 (b) Notwithstanding any other provision of law, the
13 Secretary of the Air Force may retire C–5A aircraft from
14 the inventory of the Air Force 15 days after certifying to
15 the congressional defense committees that retiring the air-
16 craft will not significantly increase operational risk of not
17 meeting the National Defense Strategy, provided that
18 such retirements may not reduce total strategic airlift
19 force structure inventory below the 292 strategic airlift
20 aircraft level identified in the Mobility Capability Study
21 2005 (MCS–05) unless otherwise addressed in the fiscal
22 year 2010 National Defense Authorization Act.

23 SEC. 312. None of the funds appropriated or other-
24 wise made available by this title may be obligated or ex-
25 pended to provide award fees to any defense contractor

1 contrary to the provisions of section 814 of the National
2 Defense Authorization Act, Fiscal Year 2007 (Public Law
3 109–364).

4 SEC. 313. None of the funds provided in this title
5 may be used to finance programs or activities denied by
6 Congress in fiscal years 2008 or 2009 appropriations to
7 the Department of Defense or to initiate a procurement
8 or research, development, test and evaluation new start
9 program without prior written notification to the congres-
10 sional defense committees.

11 SEC. 314. None of the funds appropriated or other-
12 wise made available by this or any other Act shall be obli-
13 gated or expended by the United States Government for
14 a purpose as follows:

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

18 (2) To exercise United States control over any
19 oil resource of Iraq.

20 SEC. 315. 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 the purpose of establishing any military installation or
24 base for the purpose of providing for the permanent sta-
25 tioning of United States Armed Forces in Afghanistan.

1 SEC. 316. (a) REPORT ON IRAQ TROOP DRAWDOWN
2 STATUS, GOALS, AND TIMETABLE.—In recognition and
3 support of the policy of President Barack Obama to with-
4 draw all United States combat brigades from Iraq by Au-
5 gust 31, 2010, and all United States military forces from
6 Iraq on December 31, 2011, Congress directs the Sec-
7 retary of Defense (in consultation with other members of
8 the National Security Council) to prepare a report that
9 identifies troop drawdown status and goals and includes—
10 (1) a detailed, month-by-month description of
11 the transition of United States military forces and
12 equipment out of Iraq; and
13 (2) a detailed, month-by-month description of
14 the transition of United States contractors out of
15 Iraq.
16 (b) ELEMENTS OF REPORT.—At a minimum, the
17 Secretary of Defense shall address the following:
18 (1) How the Government of Iraq is assuming
19 the responsibility for reconciliation initiatives as the
20 mission of the United States Armed Forces transi-
21 tions.
22 (2) How the drawdown of military forces com-
23 plies with the President's planned withdrawal of
24 combat brigades by August 31, 2010, and all United
25 States forces by December 31, 2011.

1 (3) The roles and responsibilities of remaining
2 contractors in Iraq as the United States mission
3 evolves, including the anticipated number of United
4 States contractors to remain in Iraq after August
5 31, 2010, and December 31, 2011.
6 (c) SUBMISSION.—
7 (1) Not later than 90 days after the date of en-
8 actment of this Act, and every 90 days thereafter
9 through September 30, 2010, the Secretary of De-
10 fense shall submit the report required by subsection
11 (a) and a classified annex to the report, as nec-
12 essary.
13 (2) The Secretary may submit the report re-
14 quired by subsection (a) separately as provided in
15 paragraph (1) or include the information required by
16 this report when submitting reports required of the
17 Secretary under section 9204 of the Supplemental
18 Appropriations Act, 2008 (Public Law 110–252;
19 122 Stat. 2410).
20 (d) EXTENSION OF RELATED REPORTING REQUIRE-
21 MENT.—Section 9204(a) of the Supplemental Appropria-
22 tions Act, 2008 is amended by striking "fiscal year 2009"
23 and inserting "fiscal year 2010".
24 SEC. 317. (a) REPEAL OF SECRETARY OF DEFENSE
25 REPORTS ON TRANSITION READINESS OF IRAQ AND AF-

1 GHAN SECURITY FORCES.—Subsection (a) of section 9205
2 of Public Law 110–252 (122 Stat. 2412) is repealed.
3 (b) MODIFICATION OF REPORTS ON USE OF CERTAIN
4 SECURITY FORCES FUNDS.—
5 (1) PREPARATION IN CONSULTATION WITH
6 COMMANDER OF CENTCOM.—Subsection (b)(1) of
7 such section is amended by inserting "the Com-
8 mander of the United States Central Command;"
9 after "the Secretary of Defense;".
10 (2) PERIOD OF REPORTS.—Such subsection is
11 further amended by striking "not later than 120
12 days after the date of the enactment of this Act and
13 every 90 days thereafter" and inserting "not later
14 than 45 days after the end of each fiscal year quar-
15 ter".
16 (3) FUNDS COVERED BY REPORTS.—Such sub-
17 section is further amended by striking "and 'Af-
18 ghanistan Security Forces Fund'" and inserting ",
19 'Afghanistan Security Forces Fund', and 'Pakistan
20 Counterinsurgency Fund'".
21 (c) NOTICE NEW PROJECTS AND TRANSFERS OF
22 FUNDS.—Subsection (c) of such section is amended by
23 striking "the headings" and all that follows and inserting
24 "the headings as follows:
25 "(1) 'Iraq Security Forces Fund'.

1 "(2) 'Afghanistan Security Forces Fund'.
2 "(3) 'Pakistan Counterinsurgency Fund'.".
3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act.
6 SEC. 318. (a) Section 1174(h)(1) of title 10, United
7 States Code, is amended to read as follows:
8 "(1) A member who has received separation pay
9 under this section, or separation pay, severance pay,
10 or readjustment pay under any other provision of
11 law, based on service in the armed forces, and who
12 later qualifies for retired or retainer pay under this
13 title or title 14 shall have deducted from each pay-
14 ment of such retired or retainer pay an amount, in
15 such schedule of monthly installments as the Sec-
16 retary of Defense shall specify, taking into account
17 the financial ability of the member to pay and avoid-
18 ing the imposition of undue financial hardship on
19 the member and member's dependents, until the
20 total amount deducted is equal to the total amount
21 of separation pay, severance pay, and readjustment
22 pay so paid.".
23 (b) Section 1175(e)(3)(A) of title 10, United States
24 Code, is amended to read as follows:

"(3)(A) A member who has received the voluntary separation incentive and who later qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of voluntary separation incentive so paid. If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced as the Secretary of Defense shall specify.".

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

SEC. 319. (a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and

1 every 90 days thereafter, the President shall submit to the
2 members and committees of Congress specified in sub-
3 section (b) a report on the prisoner population at the de-
4 tention facility at Naval Station Guantanamo Bay, Cuba.
5 (b) SPECIFIED MEMBERS AND COMMITTEES OF CON-
6 GRESS.—The members and committees of Congress speci-
7 fied in this subsection are the following:
8 (1) The majority leader and minority leader of
9 the Senate.
10 (2) The Chairman and Ranking Member on the
11 Committee on Armed Services of the Senate.
12 (3) The Chairman and Vice Chairman of the
13 Select Committee on Intelligence of the Senate.
14 (4) The Chairman and Vice Chairman of the
15 Committee on Appropriations of the Senate.
16 (5) The Speaker of the House of Representa-
17 tives.
18 (6) The minority leader of the House of Rep-
19 resentatives.
20 (7) The Chairman and Ranking Member on the
21 Committee on Armed Services of the House of Rep-
22 resentatives.
23 (8) The Chairman and Vice Chairman of the
24 Permanent Select Committee on Intelligence of the
25 House of Representatives.

1 (9) The Chairman and Ranking Member of the
2 Committee on Appropriations of the House of Rep-
3 resentatives.
4 (c) MATTERS TO BE INCLUDED.—Each report sub-
5 mitted under subsection (a) shall include the following:
6 (1) The name and country of origin of each de-
7 tainee at the detention facility at Naval Station
8 Guantanamo Bay, Cuba, as of the date of such re-
9 port.
10 (2) A current summary of the evidence, intel-
11 ligence, and information used to justify the detention
12 of each detainee listed under paragraph (1) at Naval
13 Station Guantanamo Bay.
14 (3) A current accounting of all the measures
15 taken to transfer each detainee listed under para-
16 graph (1) to the individual's country of citizenship
17 or another country.
18 (4) A current description of the number of indi-
19 viduals released or transferred from detention at
20 Naval Station Guantanamo Bay who are confirmed
21 or suspected of returning to terrorist activities after
22 release or transfer from Naval Station Guantanamo
23 Bay.

1 (5) An assessment of any efforts by al Qaeda
2 to recruit detainees released from detention at Naval
3 Station Guantanamo Bay.
4 (d) ADDITIONAL MATTERS TO BE INCLUDED IN INI-
5 TIAL REPORT.—The first report submitted under sub-
6 section (a) shall also include the following:
7 (1) A description of the process that was pre-
8 viously used for screening the detainees described by
9 subsection (c)(4) prior to their release or transfer
10 from detention at Naval Station Guantanamo Bay,
11 Cuba.
12 (2) An assessment of the adequacy of that
13 screening process for reducing the risk that detain-
14 ees previously released or transferred from Naval
15 Station Guantanamo Bay would return to terrorist
16 activities after release or transfer from Naval Sta-
17 tion Guantanamo Bay.
18 (3) An assessment of lessons learned from pre-
19 vious releases and transfers of individuals who re-
20 turned to terrorist activities for reducing the risk
21 that detainees released or transferred from Naval
22 Station Guantanamo Bay will return to terrorist ac-
23 tivities after their release or transfer.

XEROX

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 Main-
7 tenance" to dredge navigation channels and repair damage
8 to Corps projects nationwide related to natural disasters,
9 $42,875,000, to remain available until expended: *Pro-*
10 *vided,* That the Assistant Secretary of the Army for Civil
11 Works shall provide a monthly report to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate detailing the allocation and obligation of these
14 funds, beginning not later than 60 days after enactment
15 of this Act.

16 FLOOD CONTROL AND COASTAL EMERGENCIES

17 For an additional amount for "Flood Control and
18 Coastal Emergencies", as authorized by section 5 of the
19 Act of August 18, 1941 (33 U.S.C. 701n), for necessary
20 expenses relating to the consequences of natural disasters
21 as authorized by law, $754,290,000, to remain available
22 until expended: *Provided*, That the Secretary of the Army
23 is directed to use $315,290,000 of the funds appropriated
24 under this heading to support emergency operations, to

1 repair eligible projects nationwide, and for other activities
2 in response to natural disasters: *Provided further*, That
3 the Secretary of the Army is directed to use $439,000,000
4 of the amount provided under this heading for barrier is-
5 land restoration and ecosystem restoration to restore his-
6 toric levels of storm damage reduction to the Mississippi
7 Gulf Coast: *Provided further*, That this work shall be car-
8 ried out at full Federal expense: *Provided further*, That
9 the Assistant Secretary of the Army for Civil Works shall
10 provide a monthly report to the Committees on Appropria-
11 tions of the House of Representatives and the Senate de-
12 tailing the allocation and obligation of these funds, begin-
13 ning not later than 60 days after enactment of this Act.

14 DEPARTMENT OF ENERGY

15 ENERGY PROGRAMS

16 STRATEGIC PETROLEUM RESERVE

17 (TRANSFER OF FUNDS)

18 For an additional amount for "Strategic Petroleum
19 Reserve", $21,585,723, to remain available until ex-
20 pended, to be derived by transfer from the "SPR Petro-
21 leum Account" for site maintenance activities.

1 ATOMIC ENERGY DEFENSE ACTIVITIES

2 NATIONAL NUCLEAR SECURITY ADMINISTRATION

3 WEAPONS ACTIVITIES

4 For an additional amount for "Weapons Activities",
5 $30,000,000, to remain available until expended, to be di-
6 vided among the three national security laboratories of
7 Livermore, Sandia and Los Alamos and other entities to
8 fund a sustainable capability to analyze nuclear and bio-
9 logical weapons intelligence: *Provided*, That the Secretary
10 of Energy, in cooperation with the Director of National
11 Intelligence, shall provide a written report to the Appro-
12 priations Committees of the House of Representatives and
13 the Senate, the Armed Services Committees of the House
14 of Representatives and the Senate, the Permanent Select
15 Committee on Intelligence of the House of Representa-
16 tives, and the Select Committee on Intelligence of the Sen-
17 ate within 90 days of enactment of this Act on how the
18 Department of Energy will invest these resources to sus-
19 tain technical and core analytical capabilities.

20 DEFENSE NUCLEAR NONPROLIFERATION

21 For an additional amount for "Defense Nuclear Non-
22 proliferation", $55,000,000, to remain available until ex-
23 pended.

1 GENERAL PROVISIONS—THIS TITLE

2 LIMITED TRANSFER AUTHORITY

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

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

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

18 WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS

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

1 CORPS OF ENGINEERS TECHNICAL FIX

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

5 (1) in subsection (a)—

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

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

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

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

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

22 (2) in subsection (h)—

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

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

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

CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

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

BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

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

COST ANALYSIS OF TRITIUM PROGRAM CHANGES

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

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

7 CORPS OF ENGINEERS PROJECT COST CEILING INCREASE

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

15 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
16 PROGRAM

17 SEC. 408. The matter under the heading "Title 17
18 Innovative Technology Loan Guarantee Program" of title
19 III of division C of the Omnibus Appropriations Act, 2009
20 (Public Law 111–8; 123 Stat. 619) is amended in the
21 ninth proviso—

22 (1) by striking "or (d)" and inserting "(d)";
23 and

24 (2) by striking "the guarantee" and inserting
25 "the guarantee; (e) contracts, leases or other agree-

1 ments entered into prior to May 1, 2009 for front-
2 end nuclear fuel cycle projects, where such project li-
3 censes technology from the Department of Energy,
4 and pays royalties to the federal government for
5 such license and the amount of such royalties will
6 exceed the amount of federal spending, if any, under
7 such contracts, leases or agreements; or (f) grants or
8 cooperative agreements, to the extent that obliga-
9 tions of such grants or cooperative agreements have
10 been recorded in accordance with section 1501(a)(5)
11 of title 31, United States Code, on or before May 1,
12 2009".

1 TITLE V

2 EXECUTIVE OFFICE OF THE PRESIDENT AND

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 NATIONAL SECURITY COUNCIL

5 SALARIES AND EXPENSES

6 For an additional amount for "Salaries and Ex-
7 penses", $2,936,000, of which $800,000 shall remain
8 available until expended and $2,136,000 shall remain
9 available until September 30, 2010.

10 THE JUDICIARY

11 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

12 JUDICIAL SERVICES

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for "Salaries and Ex-
16 penses", $10,000,000, to remain available until September
17 30, 2010: *Provided*, That notwithstanding section 302 of
18 division D of Public Law 111–8, funding shall be available
19 for transfer between Judiciary accounts to meet increased
20 workload requirements resulting from immigration and
21 other law enforcement initiatives.

1 INDEPENDENT AGENCIES

2 FINANCIAL CRISIS INQUIRY COMMISSION

3 SALARIES AND EXPENSES

4 For the necessary expenses of the Financial Crisis In-
5 quiry Commission established pursuant to section 5 of the
6 Fraud Enforcement and Recovery Act of 2009 (Public
7 Law 111–21), $8,000,000, to remain available until Feb-
8 ruary 15, 2011.

9 SECURITIES AND EXCHANGE COMMISSION

10 SALARIES AND EXPENSES

11 For an additional amount for necessary expenses for
12 the Securities and Exchange Commission, $10,000,000, to
13 remain available until September 30, 2010, for investiga-
14 tion of securities fraud.

15 GENERAL PROVISIONS—THIS TITLE

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

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

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

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

1 SEC. 502. The fourth proviso under the heading
2 "District of Columbia Funds" of title IV of division D of
3 the Omnibus Appropriations Act, 2009 (Public Law 111–
4 8; 123 Stat. 655) is amended by striking "and such title"
5 and inserting ", as amended by laws enacted pursuant to
6 section 442(c) of the District of Columbia Home Rule Act
7 of 1973, approved December 24, 1973 (87 Stat. 798), and
8 such title, as amended,".

9 SEC. 503. Title V of division D of the Omnibus Ap-
10 propriations Act, 2009 (Public Law 111–8) is amended
11 under the heading "Federal Communications Commis-
12 sion" by striking the first proviso and inserting the fol-
13 lowing: "*Provided*, That of the funds provided, not less
14 than $3,000,000 shall be available for developing a na-
15 tional broadband plan pursuant to title VI of division B
16 of the American Recovery and Reinvestment Act of 2009
17 (Public Law 111–5) and for carrying out any other re-
18 sponsibility pursuant to that title:".

19 EXTENSION OF LIMITATIONS

20 SEC. 504. (a) IN GENERAL.—Section 44(f)(1) of the
21 Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1))
22 is amended—

23 (1) by redesignating subparagraphs (A) and
24 (B) as clauses (i) and (ii), respectively, and moving
25 the margins 2 ems to the right;

1 (2) by striking "evidence of debt by any in-
2 sured" and inserting the following: "evidence of debt
3 by—
4 "(A) any insured"; and
5 (3) by striking the period at the end and insert-
6 ing the following: "; and
7 "(B) any nondepository institution oper-
8 ating in such State, shall be equal to not more
9 than the greater of the State's maximum lawful
10 annual percentage rate or 17 percent—
11 "(i) to facilitate the uniform imple-
12 mentation of federally mandated or feder-
13 ally established programs and financings
14 related thereto, including—
15 "(I) uniform accessibility of stu-
16 dent loans, including the issuance of
17 qualified student loan bonds as set
18 forth in section 144(b) of the Internal
19 Revenue Code of 1986;
20 "(II) the uniform accessibility of
21 mortgage loans, including the issuance
22 of qualified mortgage bonds and quali-
23 fied veterans' mortgage bonds as set
24 forth in section 143 of such Code;

"(III) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

"(aa) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

"(bb) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

"(cc) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any pro-

1 vision of law to further the same;
2 and
3 "(ii) to facilitate interstate commerce
4 generally, including consumer loans, in the
5 case of any person or governmental entity
6 (other than a depository institution subject
7 to subparagraph (A) and paragraph (2)).".
8 (b) EFFECTIVE PERIOD.—The amendments made by
9 subsection (a) shall apply with respect to contracts con-
10 summated during the period beginning on the date of en-
11 actment of this Act and ending on December 31, 2010.

1 TITLE VI
2 DEPARTMENT OF HOMELAND SECURITY
3 U.S. CUSTOMS AND BORDER PROTECTION
4 SALARIES AND EXPENSES
5 For an additional amount for "Salaries and Ex-
6 penses", $46,200,000, to remain available until September
7 30, 2010, of which $6,200,000 shall be for the care, treat-
8 ment, and transportation of unaccompanied alien children;
9 and of which $40,000,000 shall be for response to border
10 security issues on the Southwest border of the United
11 States.
12 AIR AND MARINE INTERDICTION, OPERATIONS,
13 MAINTENANCE, AND PROCUREMENT
14 For an additional amount for "Air and Marine Inter-
15 diction, Operations, Maintenance, and Procurement",
16 $5,000,000, to remain available until September 30, 2010,
17 for response to border security issues on the Southwest
18 border of the United States.
19 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
20 SALARIES AND EXPENSES
21 For an additional amount for "Salaries and Ex-
22 penses", $66,800,000, to remain available until September
23 30, 2010, of which $11,800,000 shall be for the care,
24 treatment, and transportation of unaccompanied alien

children; and of which $55,000,000 shall be for response to border security issues on the Southwest border of the United States.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $139,503,000; of which $129,503,000 shall be for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and of which $10,000,000 shall be available until September 30, 2010, for High Endurance Cutter maintenance, major repairs, and improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $30,000,000 shall be for Operation Stonegarden.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for engaging in the coastwise trade in the State of Alabama for the drydock ALABAMA (United States official number 641504).

SEC. 602. Notwithstanding sections 55101, 55103, and 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel MARYLAND INDEPENDENCE (official number 662573). The coastwise endorsement issued under authority of this section is terminated if—

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

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

(INCLUDING RESCISSION OF FUNDS)

SEC. 603. (a) RESCISSION.—Of amounts previously made available from "Federal Emergency Management Agency, Disaster Relief" to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, an additional $100,000,000 are rescinded.

(b) APPROPRIATION.—For "Federal Emergency Management Agency, State and Local Programs", there is appropriated an additional $100,000,000, to remain available until expended, for a grant to the State of Mis-

1 sissippi for an interoperable communications system re-
2 quired in the aftermath of Hurricane Katrina.

3 SEC. 604. The Department of Homeland Security
4 Appropriations Act, 2009 (Public Law 110–329) is
5 amended under the heading "Federal Emergency Manage-
6 ment Agency, Management and Administration" after
7 "the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5121 et seq.)," by adding
9 "Cerro Grande Fire Assistance Act of 2000 (division C,
10 title I, 114 Stat. 583),".

11 SEC. 605. Notwithstanding any provision under
12 (a)(1)(A) of 15 U.S.C. 2229a specifying that grants must
13 be used to increase the number of firefighters in fire de-
14 partments, the Secretary of Homeland Security may, in
15 making grants described under 15 U.S.C. 2229a for fiscal
16 year 2009 or fiscal year 2010, grant waivers from the re-
17 quirements of subsection (a)(1)(B), subsection (c)(1), sub-
18 section (c)(2), and subsection (c)(4)(A), and may award
19 grants for the hiring, rehiring, or retention of firefighters.

20 SEC. 606. The Administrator of the Federal Emer-
21 gency Management Agency shall extend through March
22 2010 reimbursement of State-run case management pro-
23 grams related to Hurricanes Katrina and Rita for individ-
24 uals in such programs on April 30, 2009.

1 SEC. 607. Section 552 of division E of the Consoli-
2 dated Appropriations Act, 2008 (Public Law 110–161) is
3 amended by striking "local educational agencies" and in-
4 serting "primary or secondary school sites" and by insert-
5 ing "and section 406(c)(2)" after "section 406(c)(1)".

6 SEC. 608. For purposes of qualification for loans
7 made under the Disaster Assistance Direct Loan Program
8 as allowed under Public Law 111–5 relating to disaster
9 declaration FEMA–1791–DR (issued September 13,
10 2008) the base period for tax determining loss of revenue
11 may be fiscal year 2009 or fiscal year 2010.

12 SEC. 609. (a) FEDERAL SHARE OF DISASTER AS-
13 SISTANCE.—Notwithstanding any other provision of law,
14 including any agreement, the Federal share of assistance,
15 including direct Federal assistance provided under section
16 406 of the Robert T. Stafford Disaster Relief and Emer-
17 gency Assistance Act (42 U.S.C. 5172), for damages re-
18 sulting from Hurricane Ike (FEMA–1791–DR and
19 FEMA–1792–DR), shall be 90 percent of the eligible costs
20 under such section and shall be 100 percent of such costs
21 under sections 403 and 407 of such Act (42 U.S.C. 5170b
22 and 5173).

23 (b) Notwithstanding any other provision of law, in-
24 cluding any agreement, the Federal share of assistance,
25 including direct Federal assistance provided under section

1 406 of the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5172), for FEMA–1841–
3 DR shall be 90 percent of the eligible costs under such
4 section and shall be 100 percent of such costs under sec-
5 tions 403 and 407 of such Act (42 U.S.C. 5170b and
6 5173).

7 (c) Notwithstanding any other provision of law, in-
8 cluding any agreement, the Federal share of assistance,
9 including direct Federal assistance provided under section
10 406 of the Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5172), for FEMA–1838–
12 DR shall be 90 percent of the eligible costs under such
13 section and shall be 100 percent of such costs under sec-
14 tions 403 and 407 of such Act (42 U.S.C. 5170b and
15 5173).

16 (d) APPLICABILITY.—The Federal share provided by
17 subsections (a), (b), and (c) shall apply to disaster assist-
18 ance provided before, on, or after the date of enactment
19 of this Act.

1 TITLE VII

2 DEPARTMENT OF THE INTERIOR

3 DEPARTMENT-WIDE PROGRAMS

4 WILDLAND FIRE MANAGEMENT

5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount to cover necessary expenses
7 for wildfire suppression and emergency rehabilitation ac-
8 tivities of the Department of the Interior, $50,000,000,
9 to remain available until expended: *Provided,* That such
10 funds shall only become available if funds provided pre-
11 viously for wildland fire suppression will be exhausted im-
12 minently and after the Secretary of the Interior notifies
13 the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate in writing of the need for
15 these additional funds: *Provided further*, That the Sec-
16 retary of the Interior may transfer any of these funds to
17 the Secretary of Agriculture if the transfer enhances the
18 efficiency or effectiveness of Federal wildland fire suppres-
19 sion activities.

1 DEPARTMENT OF AGRICULTURE

2 FOREST SERVICE

3 WILDLAND FIRE MANAGEMENT

4 (INCLUDING TRANSFER OF FUNDS)

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

19 GENERAL PROVISION—THIS TITLE

20 SEC. 701. Public Law 111–8, division E, title III, De-
21 partment of Health and Human Services, Agency for
22 Toxic Substances and Disease Registry, Toxic Substances
23 and Environmental Public Health is amended by inserting
24 "per eligible employee" after "$1,000".

1 TITLE VIII

2 DEPARTMENT OF HEALTH AND HUMAN

3 SERVICES

4 ADMINISTRATION FOR CHILDREN AND FAMILIES

5 REFUGEE AND ENTRANT ASSISTANCE

6 For an additional amount for "Refugee and Entrant
7 Assistance" for necessary expenses for unaccompanied
8 alien children as authorized by section 462 of the Home-
9 land Security Act of 2002 and section 235 of the William
10 Wilberforce Trafficking Victims Protection Reauthoriza-
11 tion Act of 2008, $82,000,000, to remain available
12 through September 30, 2011.

13 OFFICE OF THE SECRETARY

14 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

15 FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for "Public Health and So-
18 cial Services Emergency Fund" to prepare for and re-
19 spond to an influenza pandemic, including the develop-
20 ment and purchase of vaccine, antivirals, necessary med-
21 ical supplies, diagnostics, and other surveillance tools and
22 to assist international efforts and respond to international
23 needs relating to the 2009–H1N1 influenza outbreak,
24 $1,850,000,000, to remain available until expended: *Pro-*

1 *vided*, That no less than $350,000,000 shall be for up-
2 grading State and local capacity: *Provided further*, That
3 no less than $200,000,000 shall be transferred to the Cen-
4 ters for Disease Control and Prevention to carry out global
5 and domestic disease surveillance, laboratory capacity and
6 research, laboratory diagnostics, risk communication,
7 rapid response, and quarantine: *Provided further*, That
8 products purchased with these funds may, at the discre-
9 tion of the Secretary of Health and Human Services
10 ("Secretary"), be deposited in the Strategic National
11 Stockpile under section 319F–2 of the Public Health Serv-
12 ice Act: *Provided further*, That notwithstanding section
13 496(b) of the Public Health Service Act, funds may be
14 used for the construction or renovation of privately owned
15 facilities for the production of pandemic influenza vaccine
16 and other biologics, where the Secretary finds such a con-
17 tract necessary to secure sufficient supplies of such vac-
18 cines or biologics: *Provided further*, That funds appro-
19 priated in this paragraph and not specifically designated
20 in this paragraph may be transferred to, and merged with,
21 other appropriation accounts of the Department of Health
22 and Human Services and other Federal agencies, as deter-
23 mined by the Secretary to be appropriate, to be used for
24 the purposes specified in this paragraph and to the fund
25 authorized by section 319F–4 of the Public Health Service

1 Act: *Provided further,* That transfers to other Federal
2 agencies shall be made in consultation with the Director
3 of the Office of Management and Budget: *Provided fur-*
4 *ther*, That 15 days prior to transferring any funds in this
5 paragraph, the Secretary shall notify the Committees on
6 Appropriations of the House of Representatives and the
7 Senate of any such transfer and the planned uses of the
8 funds: *Provided further*, That the transfer authority pro-
9 vided in this paragraph is in addition to any other transfer
10 authority available in this or any other Act.

11 For an additional amount for "Public Health and So-
12 cial Services Emergency Fund" to prepare for and re-
13 spond to an influenza pandemic, including the develop-
14 ment and purchase of vaccine, antivirals, necessary med-
15 ical supplies, diagnostics, and other surveillance tools and
16 to assist international efforts and respond to international
17 needs, $5,800,000,000, to remain available until ex-
18 pended: *Provided*, That products purchased with these
19 funds may, at the discretion of the Secretary of Health
20 and Human Services, be deposited in the Strategic Na-
21 tional Stockpile under section 319F–2 of the Public
22 Health Service Act: *Provided further*, That funds provided
23 in this paragraph shall be available for obligation only in
24 the amounts designated by the President in one or more
25 written notices to the Congress as emergency funds re-

1 quired to address critical needs related to emerging influ-
2 enza viruses: *Provided further*, That funds appropriated
3 in this paragraph may be transferred to, and merged with,
4 other appropriation accounts of the Department of Health
5 and Human Services and other Federal agencies to be
6 used for the purposes specified in this paragraph and to
7 the fund authorized by section 319F–4 of the Public
8 Health Service Act: *Provided further*, That transfers to
9 other Federal agencies shall be made in consultation with
10 the Director of the Office of Management and Budget:
11 *Provided further*, That none of the funds provided in this
12 paragraph shall be made available for obligation until 15
13 days following the submittal of a detailed obligation plan
14 to the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate by the Department of Health
16 and Human Services or any other Federal agency receiv-
17 ing funds: *Provided further*, That such plan shall be co-
18 ordinated with the Executive Office of the President, shall
19 identify the amounts and the activities for which funds
20 are specified by the President, and shall be subject to re-
21 programming procedures: *Provided further*, That the
22 transfer authority provided in this paragraph is in addi-
23 tion to any other transfer authority available in this or
24 any other Act.

1 GENERAL PROVISIONS—THIS TITLE

2 (TRANSFER OF FUNDS)

3 SEC. 801. Section 801(a) of division A of Public Law
4 111–5 is amended by inserting ", and may be transferred
5 by the Department of Labor to any other account within
6 the Department for such purposes" before the end period.

7 SEC. 802. Title II of division F of the Omnibus Ap-
8 propriations Act, 2009 (Public Law 111–8) is amended
9 under the heading "Children and Families Services Pro-
10 grams"—

11 (1) by striking the first proviso in its entirety;
12 and

13 (2) by striking "*Provided further*" the first
14 place it appears and inserting "*Provided*".

15 SEC. 803. The Commissioner of the Rehabilitation
16 Services Administration, or the Director of a designated
17 State unit that has approval to make awards under section
18 723 of the Rehabilitation Act, may allocate funds appro-
19 priated under the American Reinvestment and Recovery
20 Act of 2009 (Public Law 111–5) (ARRA) for the Centers
21 for Independent Living Program among centers in a State
22 without regard to the priority in section 722(e)(3) or sec-
23 tion 723(e)(3) of the Rehabilitation Act of 1973 for fund-
24 ing new centers if the allocation is consistent with the pro-
25 visions of the State plan submitted under section 704 of

1 the Rehabilitation Act and approved by the Commissioner.
2 Such funds and other Independent Living funds available
3 under ARRA that are being set aside by the Department
4 of Education for competitive grants may be used to sup-
5 port multi-year grants of up to 5 years and may be ex-
6 pended by any recipients of such multi-year grants during
7 the project period of the grant, notwithstanding any provi-
8 sion in the Rehabilitation Act limiting the period of avail-
9 ability for obligation or expenditure by the grantee.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 804. (a) Notwithstanding any other provision
12 of law, during the period from September 1 through Sep-
13 tember 30, 2009, the Secretary of Education shall transfer
14 to the Career, Technical, and Adult Education account an
15 amount not to exceed $10,260,000 from amounts that
16 would otherwise lapse at the end of fiscal year 2009 and
17 that were originally made available under the Department
18 of Education Appropriations Act, 2009 or any Depart-
19 ment of Education Appropriations Act for a previous fiscal
20 year.

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

24 (c) Any amounts transferred pursuant to this section
25 shall be for carrying out Adult Education State Grants,

1 and shall be allocated, notwithstanding any other provision
2 of law, only to those States that received funds under that
3 program for fiscal year 2009 that were at least 9.9 percent
4 less than those States received under that program for fis-
5 cal year 2008.

6 (d) The Secretary shall use these additional funds to
7 increase those States' allocations under that program up
8 to the amount they received under that program for fiscal
9 year 2008.

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

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1 TITLE IX

2 LEGISLATIVE BRANCH

3 CAPITOL POLICE

4 GENERAL EXPENSES

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

13 CONGRESSIONAL BUDGET OFFICE

14 SALARIES AND EXPENSES

15 For an additional amount for "Salaries and Ex-
16 penses", $2,000,000, to remain available until September
17 30, 2010.

X ecop

1 TITLE X

2 DEPARTMENT OF DEFENSE

3 MILITARY CONSTRUCTION, ARMY

4 (INCLUDING RESCISSION)

5 For an additional amount for "Military Construction,
6 Army", $1,326,231,000, of which $680,850,000 shall re-
7 main available until September 30, 2010, and of which
8 $645,381,000 for child development centers, warrior in
9 transition facilities, hurricane damage repair, and plan-
10 ning and design shall remain available until September 30,
11 2013: *Provided*, That notwithstanding any other provision
12 of law, such funds may be obligated and expended to carry
13 out planning and design and military construction projects
14 not otherwise authorized by law: *Provided further*, That
15 of the funds provided under this heading, not to exceed
16 $68,081,000 shall be available for study, planning, design,
17 and architect and engineer services: *Provided further,* That
18 none of the funds provided under this heading for military
19 construction projects in Afghanistan shall be obligated or
20 expended until the Secretary of Defense certifies to the
21 Committees on Appropriations of both Houses of Congress
22 that a prefinancing statement for each project has been
23 submitted to the North Atlantic Treaty Organization
24 (NATO) for consideration of funding by the NATO Secu-

1 rity Investment Program: *Provided further*, That, notwith-
2 standing any other provision of this Act, of the funds pro-
3 vided under this heading, $143,242,000 are designated as
4 an emergency requirement and necessary to meet emer-
5 gency needs pursuant to sections 403(a) and 423(b) of
6 S. Con. Res. 13 (111th Congress), the concurrent resolu-
7 tion on the budget for fiscal year 2010: *Provided further*,
8 That of the funds appropriated for "Military Construc-
9 tion, Army" under Public Law 110–252, $143,242,000
10 are hereby rescinded.

11 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

12 For an additional amount for "Military Construction,
13 Navy and Marine Corps", $235,881,000, to remain avail-
14 able until September 30, 2013: *Provided*, That notwith-
15 standing any other provision of law, such funds may be
16 obligated and expended to carry out planning and design
17 and military construction projects not otherwise author-
18 ized by law: *Provided further*, That of the funds provided
19 under this heading, not to exceed $11,000,000 shall be
20 available for study, planning, design, and architect and en-
21 gineer services.

22 MILITARY CONSTRUCTION, AIR FORCE

23 For an additional amount for "Military Construction,
24 Air Force", $281,620,000, of which $258,150,000 shall
25 remain available until September 30, 2010, and of which

1 $23,470,000 for child development centers and planning
2 and design shall remain available until September 30,
3 2013: *Provided*, That notwithstanding any other provision
4 of law, such funds may be obligated and expended to carry
5 out planning and design and military construction projects
6 not otherwise authorized by law: *Provided further*, That
7 of the funds provided under this heading, not to exceed
8 $12,070,000 shall be available for study, planning, design,
9 and architect and engineer services: *Provided further,* That
10 none of the funds provided under this heading for military
11 construction projects in Afghanistan shall be obligated or
12 expended until the Secretary of Defense certifies to the
13 Committees on Appropriations of both Houses of Congress
14 that a prefinancing statement for each project has been
15 submitted to the North Atlantic Treaty Organization
16 (NATO) for consideration of funding by the NATO Secu-
17 rity Investment Program.

18 MILITARY CONSTRUCTION, DEFENSE-WIDE

19 For an additional amount for "Military Construction,
20 Defense-Wide", $661,552,000, to remain available until
21 September 30, 2013: *Provided*, That notwithstanding any
22 other provision of law, such funds may be obligated and
23 expended to carry out planning and design and military
24 construction projects in the United States not otherwise
25 authorized by law: *Provided further,* That of the amount

1 provided under this heading, $169,500,000 shall be for the
2 construction of a National Security Agency data center
3 and $488,000,000 shall be for the construction of hos-
4 pitals: *Provided further*, That $1,589,500,000 is hereby
5 authorized for the National Security Agency data center
6 for fiscal years 2009 through 2013 for the purposes of
7 this appropriation: *Provided further*, That not later than
8 30 days after the enactment of this Act, the Secretary of
9 Defense shall submit to the Committees on Appropriations
10 of both Houses of Congress an expenditure plan for the
11 funds provided for hospital construction under this head-
12 ing.

13 NORTH ATLANTIC TREATY ORGANIZATION SECURITY
14 INVESTMENT PROGRAM

15 For an additional amount for "North Atlantic Treaty
16 Organization Security Investment Program",
17 $100,000,000, to remain available until expended: *Pro-*
18 *vided,* That notwithstanding any other provision of law,
19 such funds are authorized for the North Atlantic Treaty
20 Security Investment Program for purposes of section 2806
21 of title 10, United States Code, and section 2502 of the
22 Military Construction Authorization Act for Fiscal Year
23 2009 (division B of Public Law 110–417).

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 operation and maintenance, planning
10 and design and military construction projects not other-
11 wise authorized by law.

12 GENERAL PROVISIONS—THIS TITLE

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

insert 5A
5B & 5C

insert 5A

1 **SECTION 1. ENTITLEMENT OF CHILDREN OF MEMBERS OF**
2 **THE ARMED FORCES WHO DIE ON ACTIVE**
3 **DUTY TO EDUCATIONAL ASSISTANCE UNDER**
4 **POST-9/11 EDUCATIONAL ASSISTANCE PRO-**
5 **GRAM.**

6 (a) ENTITLEMENT.—Section 3311 of title 38, United SEC. 1002.
7 States Code, is amended—
8 (1) in subsection (b), by adding at the end the
9 following new paragraph:
10 "(9) An individual who is the child of a person
11 who, on or after September 11, 2001, dies in line of
12 duty while serving on active duty as a member of the
13 Armed Forces."; and
14 (2) by adding at the end the following new sub-
15 section:
16 "(f) MARINE GUNNERY SERGEANT JOHN DAVID FRY
17 SCHOLARSHIP.—
18 "(1) IN GENERAL.—Educational assistance pay-
19 able by reason of paragraph (9) of subsection (b)
20 shall be known as the 'Marine Gunnery Sergeant
21 John David Fry scholarship'.
22 "(2) DEFINITION OF CHILD.—For purposes of
23 that paragraph, the term 'child' includes a married
24 individual or an individual who is above the age of
25 twenty-three years.".

insert 5B

(b) AMOUNT.—Section 3313(c)(1) of such title is amended by striking "section 3311(b)(1) or 3311(b)(2)" and inserting "paragraph (1), (2), or (9) of section 3311(b)".

(c) TIME LIMITATION FOR USE.—Section 3321(b) of such title is amended by adding at the end the following new paragraph:

"(4) APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.—The period during which an individual entitled to educational assistance by reason of section 3311(b)(9) may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's eighteenth birthday.".

(d) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2009.

(2) APPLICABILITY.—The Secretary of Veterans Affairs shall begin making payments to individuals entitled to educational assistance by reason of paragraph (9) of section 3311(b) of title 38, United States Code, as added by subsection (a), by not later than August 1, 2010. In the case of an individual entitled to educational assistance by reason of such paragraph for the period beginning on Au-

insert 5c

1 gust 1, 2009, and ending on July 31, 2010, the Sec-
2 retary shall make retroactive payments to such indi-
3 vidual for such period by not later than August 1,
4 2010.

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1 TITLE XI

2 DEPARTMENT OF STATE

3 ADMINISTRATION OF FOREIGN AFFAIRS

4 DIPLOMATIC AND CONSULAR PROGRAMS

5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for "Diplomatic and Con-
7 sular Programs", $997,890,000, to remain available until
8 September 30, 2010, of which $146,358,000 is for World-
9 wide Security Protection and shall remain available until
10 expended: *Provided*, That the Secretary of State may
11 transfer up to $137,600,000 of the funds made available
12 under this heading to any other appropriation of any de-
13 partment or agency of the United States, upon the concur-
14 rence of the head of such department or agency, to sup-
15 port operations in and assistance for Afghanistan and to
16 carry out the provisions of the Foreign Assistance Act of
17 1961: *Provided further*, That of the funds appropriated
18 under this heading, up to $10,000,000 for public diplo-
19 macy activities may be transferred to, and merged with,
20 funds made available under the heading "International
21 Broadcasting Operations" for broadcasting activities to
22 the Pakistan-Afghanistan border region.

1 OFFICE OF INSPECTOR GENERAL

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for "Office of Inspector
4 General", $24,122,000, to remain available until Sep-
5 tember 30, 2010, of which $7,000,000 shall be transferred
6 to the Special Inspector General for Iraq Reconstruction
7 for reconstruction oversight, and $7,200,000 shall be
8 transferred to the Special Inspector General for Afghani-
9 stan Reconstruction for reconstruction oversight: *Pro-*
10 *vided*, That the Special Inspector General for Afghanistan
11 Reconstruction may exercise the authorities of subsections
12 (b) through (i) of section 3161 of title 5, United States
13 Code (without regard to subsection (a) of such section)
14 for funds made available for fiscal years 2009 and 2010:
15 *Provided further*, That the Inspector General of the United
16 States Department of State and the Broadcasting Board
17 of Governors, the Special Inspector General for Iraq Re-
18 construction, the Special Inspector General for Afghani-
19 stan Reconstruction, and the Inspector General of the
20 United States Agency for International Development shall
21 coordinate and integrate the programming of funds made
22 available under this heading in fiscal year 2009 for over-
23 sight of programs in Afghanistan, Pakistan and Iraq: *Pro-*
24 *vided further*, That the Secretary of State shall submit to
25 the Committees on Appropriations, within 30 days of com-

1 pletion, the annual comprehensive audit plan for the Mid-
2 dle East and South Asia developed by the Southwest Asia
3 Joint Planning Group in accordance with section 842 of
4 Public Law 110–181.

5 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

6 For an additional amount for "Embassy Security,
7 Construction, and Maintenance", $921,500,000, to re-
8 main available until expended, for worldwide security up-
9 grades, acquisition, and construction as authorized, and
10 shall be made available for secure diplomatic facilities and
11 housing for United States mission staff in Afghanistan
12 and Pakistan, and for mobile mail screening units.

13 INTERNATIONAL ORGANIZATIONS

14 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
15 ACTIVITIES

16 For an additional amount for "Contributions for
17 International Peacekeeping Activities", $721,000,000, to
18 remain available until September 30, 2010.

19 UNITED STATES AGENCY FOR INTERNATIONAL
20 DEVELOPMENT

21 FUNDS APPROPRIATED TO THE PRESIDENT

22 OPERATING EXPENSES

23 For an additional amount for "Operating Expenses",
24 $157,600,000, to remain available until September 30,
25 2010.

CAPITAL INVESTMENT FUND

For an additional amount for "Capital Investment Fund", $48,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $3,500,000, to remain available until September 30, 2010, for oversight of programs in Afghanistan and Pakistan.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $150,000,000, to remain available until September 30, 2010: *Provided*, That $50,000,000 shall be made available for pandemic preparedness and response: *Provided further*, That $100,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: *Provided further*, That notwithstanding any other provision of law, to include minimum funding requirements or funding directives, if the President determines and reports to the Committees on Appropriations that the human-to-human

1 transmission of the H1N1 virus is efficient and sustained,
2 severe, and is spreading internationally, funds made avail-
3 able under the headings "Global Health and Child Sur-
4 vival", "Development Assistance", "Economic Support
5 Fund", and "Millennium Challenge Corporation" in prior
6 Acts making appropriations for the Department of State,
7 foreign operations, and related programs may be made
8 available to combat the H1N1 virus: *Provided further*,
9 That funds made available pursuant to the authority of
10 the previous proviso shall be subject to prior consultation
11 with, and the regular notification procedures of, the Com-
12 mittees on Appropriations.

13 INTERNATIONAL DISASTER ASSISTANCE

14 For an additional amount for "International Disaster
15 Assistance", $270,000,000, to remain available until ex-
16 pended.

17 ECONOMIC SUPPORT FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for "Economic Support
20 Fund", $2,973,601,000, to remain available until Sep-
21 tember 30, 2010: *Provided*, That of the funds made avail-
22 able under this heading for assistance for the West Bank
23 and Gaza, $2,000,000 shall be transferred to, and merged
24 with, funds available under the heading "United States
25 Agency for International Development, Funds Appro-

1 priated to the President, Office of Inspector General" to
2 conduct oversight of programs in the West Bank and
3 Gaza: *Provided further*, That of the amounts made avail-
4 able for assistance for the West Bank and Gaza, not more
5 than $200,000,000 may be made available for cash trans-
6 fer assistance to the Palestinian Authority: *Provided fur-*
7 *ther*, That none of the funds made available under this
8 heading for cash transfer assistance to the Palestinian Au-
9 thority may be obligated for salaries of personnel of the
10 Palestinian Authority located in Gaza: *Provided further*,
11 That of the funds appropriated under this heading, up to
12 $10,000,000 may be made available for humanitarian as-
13 sistance in Burma for individuals and communities im-
14 pacted by Cyclone Nargis, notwithstanding any other pro-
15 vision of law: *Provided further*, That of the funds appro-
16 priated under this heading for assistance for Afghanistan
17 and Pakistan, assistance may be provided notwithstanding
18 any provision of law that restricts assistance to foreign
19 countries for cross border stabilization and development
20 programs between Afghanistan and Pakistan or between
21 either country and the Central Asian republics, and shall
22 be administered by the Special Representative for Afghan-
23 istan and Pakistan at the Department of State: *Provided*
24 *further*, That none of the funds appropriated in this title
25 for democracy and civil society programs may be made

1 available for the construction of facilities in the United
2 States.

3 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

4 For an additional amount for "Assistance for Eu-
5 rope, Eurasia and Central Asia", $272,000,000, to remain
6 available until September 30, 2010, of which
7 $242,000,000 shall be available for assistance for Georgia:
8 *Provided*, That funds appropriated under this heading
9 may be made available for assistance for other Eurasian
10 countries to meet unanticipated requirements only if the
11 Secretary of State determines and reports to the Commit-
12 tees on Appropriations that to do so is in the national se-
13 curity interests of the United States: *Provided further*,
14 That of the funds appropriated under this heading,
15 $30,000,000 may be made available for assistance for the
16 Kyrgyz Republic to provide a long-range air traffic control
17 and safety system to support air operations in the Kyrgyz
18 Republic, including at Manas International Airport, not-
19 withstanding any other provision of law: *Provided further*,
20 That funds appropriated under this heading shall be sub-
21 ject to prior consultation with, and the regular notification
22 procedures of, the Committees on Appropriations.

1 DEPARTMENT OF STATE

2 INTERNATIONAL NARCOTICS CONTROL AND LAW

3 ENFORCEMENT

4 For an additional amount for "International Nar-
5 cotics Control and Law Enforcement", $487,500,000, to
6 remain available until September 30, 2010: *Provided*,
7 That not less than $160,000,000 shall be made available
8 for assistance for Mexico to combat drug trafficking and
9 related violence and organized crime, and for judicial re-
10 form, institution building, anti-corruption, and rule of law
11 activities: *Provided further*, That funds made available
12 pursuant to the previous proviso shall be made available
13 subject to prior consultation with, and the regular notifica-
14 tion procedures of, the Committees on Appropriations, ex-
15 cept that notifications shall be transmitted at least 5 days
16 in advance of the obligation of any funds appropriated
17 under this heading: *Provided further*, That none of the
18 funds appropriated in this title may be made available for
19 the cost of fuel for aircraft provided to Mexico, or for oper-
20 ations and maintenance of aircraft purchased by the Gov-
21 ernment of Mexico: *Provided further*, That in order to en-
22 hance border security and cooperation in law enforcement
23 efforts between Mexico and the United States, funds ap-
24 propriated in this title that are available for assistance for
25 Mexico may be made available for the procurement of law

1 enforcement communications equipment only if such
2 equipment utilizes open standards and is compatible with,
3 and capable of operating with, radio communications sys-
4 tems and related equipment utilized by Federal law en-
5 forcement agencies in the United States to enhance border
6 security and cooperation in law enforcement efforts be-
7 tween Mexico and the United States.

8 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
9 RELATED PROGRAMS

10 For an additional amount for "Nonproliferation,
11 Anti-Terrorism, Demining and Related Programs",
12 $102,000,000, to remain available until September 30,
13 2010, of which up to $77,000,000 may be made available
14 for the Nonproliferation and Disarmament Fund, notwith-
15 standing any other provision of law, to promote bilateral
16 and multilateral activities relating to nonproliferation, dis-
17 armament and weapons destruction, and shall remain
18 available until expended: *Provided*, That funds made avail-
19 able for the Nonproliferation and Disarmament Fund
20 shall be subject to prior consultation with, and the regular
21 notification procedures of, the Committees on Appropria-
22 tions: *Provided further*, That the Secretary of State shall
23 work assiduously to facilitate the regular flow of people
24 and licit goods in and out of Gaza at established border
25 crossings.

1 MIGRATION AND REFUGEE ASSISTANCE

2 For an additional amount for "Migration and Ref-
3 ugee Assistance", $390,000,000, to remain available until
4 expended.

5 INTERNATIONAL SECURITY ASSISTANCE

6 FUNDS APPROPRIATED TO THE PRESIDENT

7 PEACEKEEPING OPERATIONS

8 For an additional amount for "Peacekeeping Oper-
9 ations", $185,000,000, to remain available until Sep-
10 tember 30, 2010: *Provided*, That up to $168,000,000 may
11 be made available for assistance for Somalia, of which up
12 to $115,900,000 may be used to pay assessed expenses
13 of international peacekeeping activities in Somalia: *Pro-*
14 *vided further*, That of the funds appropriated under this
15 heading, $15,000,000 shall be made available for assist-
16 ance for the Democratic Republic of the Congo and
17 $2,000,000 shall be made available for the Multinational
18 Force and Observer mission in the Sinai.

19 INTERNATIONAL MILITARY EDUCATION AND TRAINING

20 For an additional amount for "International Military
21 Education and Training", $2,000,000, to remain available
22 until September 30, 2010, for assistance for Iraq.

23 FOREIGN MILITARY FINANCING PROGRAM

24 For an additional amount for "Foreign Military Fi-
25 nancing Program", $1,294,000,000, to remain available

1 until September 30, 2010: *Provided*, That not less than
2 $260,000,000 shall be made available for assistance for
3 the Mexican Navy and shall be available notwithstanding
4 section 7045(e) of the Department of State, Foreign Oper-
5 ations, and Related Programs Appropriations Act, 2009
6 (division H of Public Law 111–8): *Provided further*, That
7 funds made available pursuant to the previous proviso
8 shall be available notwithstanding section 36(b) of the
9 Arms Export Control Act: *Provided further*, That of the
10 funds appropriated under this heading, not less than
11 $150,000,000 shall be made available for assistance for
12 Jordan: *Provided further*, That of the funds appropriated
13 under this heading, not less than $555,000,000, shall be
14 available for grants only for Israel and shall be disbursed
15 not later than October 30, 2009: *Provided further*, That
16 to the extent that the Government of Israel requests that
17 funds be used for such purposes, grants made available
18 for Israel by this paragraph shall, as agreed by the United
19 States and Israel, be available for advanced weapons sys-
20 tems, of which $145,965,000 shall be available for the pro-
21 curement in Israel of defense articles and defense services,
22 including research and development: *Provided further*,
23 That of the funds appropriated under this heading, not
24 less than $260,000,000 shall be made available for grants
25 only for Egypt, including for border security programs and

1 activities in the Sinai: *Provided further*, That funds appro-
2 priated pursuant to the previous proviso estimated to be
3 outlayed for Egypt shall be transferred to an interest bear-
4 ing account for Egypt in the Federal Reserve Bank of
5 New York not later than October 30, 2009: *Provided fur-*
6 *ther*, That up to $69,000,000 may be made available for
7 assistance for Lebanon.

8 PAKISTAN COUNTERINSURGENCY CAPABILITY FUND
9 (INCLUDING TRANSFER OF FUNDS)

10 There is hereby established in the Treasury of the
11 United States a special account to be known as the "Paki-
12 stan Counterinsurgency Capability Fund". For necessary
13 expenses to carry out the provisions of chapter 8 of part
14 I and chapters 2, 5, 6, and 8 of part II of the Foreign
15 Assistance Act of 1961 and section 23 of the Arms Export
16 Control Act for counterinsurgency activities in Pakistan,
17 $700,000,000, which shall become available on September
18 30, 2009, and remain available until September 30, 2011:
19 *Provided*, That such funds shall be available to the Sec-
20 retary of State, with the concurrence of the Secretary of
21 Defense, notwithstanding any other provision of law, for
22 the purpose of providing assistance for Pakistan to build
23 and maintain the counterinsurgency capability of Paki-
24 stani security forces (including the Frontier Corps), to in-
25 clude program management and the provision of equip-

1 ment, supplies, services, training, and facility and infra-
2 structure repair, renovation, and construction: *Provided*
3 *further*, That such funds may be transferred by the Sec-
4 retary of State to the Department of Defense or other
5 Federal departments or agencies to support counterinsur-
6 gency operations and may be merged with and be available
7 for the same purposes and for the same time period as
8 the appropriation or fund to which transferred, or may
9 be transferred pursuant to the authorities contained in the
10 Foreign Assistance Act of 1961: *Provided further*, That
11 the Secretary of State shall, not fewer than 15 days prior
12 to making transfers from this appropriation, notify the
13 Committees on Appropriations, and the congressional de-
14 fense and foreign affairs committees, in writing of the de-
15 tails of any such transfer: *Provided further*, That the Sec-
16 retary of State shall submit not later than 30 days after
17 the end of each fiscal quarter to the Committees on Appro-
18 priations a report summarizing, on a project-by-project
19 basis, the transfer of funds from this appropriation: *Pro-*
20 *vided further,* That upon determination by the Secretary
21 of Defense or head of other Federal department or agency,
22 with the concurrence of the Secretary of State, that all
23 or part of the funds so transferred from this appropriation
24 are not necessary for the purposes herein, such amounts
25 may be transferred by the head of the relevant Federal

1 department or agency back to this appropriation and shall
2 be available for the same purposes and for the same time
3 period as originally appropriated: *Provided further*, That
4 any required notification or report may be submitted in
5 classified or unclassified form.

6 GENERAL PROVISIONS—THIS TITLE

7 EXTENSION OF AUTHORITIES

8 SEC. 1101. Funds appropriated in this title may be
9 obligated and expended notwithstanding section 10 of
10 Public Law 91–672, section 15 of the State Department
11 Basic Authorities Act of 1956, section 313 of the Foreign
12 Relations Authorization Act, Fiscal Years 1994 and 1995
13 (Public Law 103–236), and section 504(a)(1) of the Na-
14 tional Security Act of 1947 (50 U.S.C. 414(a)(1)).

15 AFGHANISTAN

16 SEC. 1102. (a) IN GENERAL.—Funds appropriated
17 in this title under the heading "Economic Support Fund"
18 that are available for assistance for Afghanistan shall be
19 made available, to the maximum extent practicable, in a
20 manner that utilizes Afghan entities and emphasizes the
21 participation of Afghan women and directly improves the
22 security, economic and social well-being, and political sta-
23 tus, of Afghan women and girls.

24 (b) ASSISTANCE FOR WOMEN AND GIRLS.—

1 (1) Funds appropriated in this title for assist-
2 ance for Afghanistan shall comply with sections
3 7062 and 7063 of Public Law 111–8, and shall be
4 made available to support programs that increase
5 participation by women in the political process, in-
6 cluding at the national, provincial, and sub-provin-
7 cial levels, and in efforts to improve security in Af-
8 ghanistan.
9 (2) Of the funds appropriated for assistance for
10 Afghanistan in fiscal year 2009 under the headings
11 "Economic Support Fund" and "International Nar-
12 cotics Control and Law Enforcement", not less than
13 $150,000,000 shall be made available to support
14 programs that directly address the needs of Afghan
15 women and girls, including for the Afghan Inde-
16 pendent Human Rights Commission, the Afghan
17 Ministry of Women's Affairs, and for women-led
18 nongovernmental organizations.
19 (c) PROCUREMENT OF AFGHAN PRODUCTS AND
20 SERVICES.—
21 (1) IN GENERAL.—Funds made available for
22 assistance for Afghanistan in this title and in prior
23 acts appropriating funds for Department of State,
24 foreign operations, and related programs, may be

1 used to conduct procurements and to award assist-
2 ance instruments in which—
3 (A) competition is limited to products,
4 services, or sources that are from Afghanistan;
5 (B) procedures other than competitive pro-
6 cedures are used to award a contract or assist-
7 ance instrument to a particular source or
8 sources from Afghanistan; or
9 (C) a preference is provided for products,
10 services, or sources that are from Afghanistan.
11 (2) PRODUCTS, SERVICES, AND SOURCES FROM
12 AFGHANISTAN.—For the purposes of this section:
13 (A) A product is from Afghanistan if it is
14 mined, produced, or manufactured in Afghani-
15 stan.
16 (B) A service is from Afghanistan if it is
17 performed in Afghanistan by citizens or perma-
18 nent resident aliens of Afghanistan.
19 (C) A source is from Afghanistan if it—
20 (i) is located in Afghanistan; and
21 (ii) offers products or services that
22 are from Afghanistan.
23 (3) REPORTING AND CONSULTING REQUIRE-
24 MENT.—Not less than 180 days after enactment of
25 this Act the Secretary of State shall submit a report

1 to the Committees on Appropriations on efforts un-
2 dertaken by the Department of State and the United
3 States Agency for International Development
4 (USAID) to utilize this authority in order to en-
5 hance participation by Afghan entities in develop-
6 ment activities in Afghanistan: *Provided*, That the
7 Secretary of State and the Administrator of USAID
8 shall consult with the Committees on Appropriations
9 regarding the exercise of the authority of this sub-
10 section and prior to submitting the report required
11 by this paragraph: *Provided further*, That the exer-
12 cise of such authority in excess of $15,000,000 for
13 any single contract or assistance instrument is sub-
14 ject to the regular notification procedures of the
15 Committees on Appropriations.

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

1 (e) ACQUISITION OF PROPERTY.—Not more than
2 $20,000,000 of the funds appropriated in this title should
3 be made available to pay for the acquisition of property
4 for diplomatic facilities in Afghanistan.

5 (f) UNITED NATIONS DEVELOPMENT PROGRAM.—
6 Funds appropriated in this title may be made available
7 for programs and activities of the United Nations Develop-
8 ment Program (UNDP) in Afghanistan if the Secretary
9 of State reports to the Committees on Appropriations that
10 UNDP is fully cooperating with efforts of the United
11 States Agency for International Development (USAID) to
12 investigate expenditures by UNDP of USAID funds asso-
13 ciated with the Quick Impact Program in Afghanistan.

14 (g) NATIONAL SOLIDARITY PROGRAM.—Of the funds
15 appropriated in this title under the heading "Economic
16 Support Fund" that are available for assistance for Af-
17 ghanistan, not less than $70,000,000 shall be made avail-
18 able for the National Solidarity Program.

19 (h) AIRWINGS.—The uses and oversight of aircraft
20 purchased or leased by the Department of State and the
21 United States Agency for International Development by
22 funds appropriated by this Act or prior Acts making ap-
23 propriations for the Department of State, foreign oper-
24 ations and related programs shall be coordinated under
25 the authority of the United States Chief of Mission in Af-

1 ghanistan: *Provided*, That such aircraft may be used to
2 transport Federal and non-Federal personnel supporting
3 the Department of State and United States Agency for
4 International Development programs and activities: *Pro-*
5 *vided further*, That official travel for other agencies for
6 other purposes may be supported on a reimbursable basis,
7 or without reimbursement when traveling on a space avail-
8 able basis.

9 ALLOCATIONS

10 SEC. 1103. (a) Funds appropriated in this title for
11 the following accounts shall be made available for pro-
12 grams and countries in the amounts contained in the re-
13 spective tables included in the joint statement accom-
14 panying this Act:

15 (1) "Diplomatic and Consular Programs".

16 (2) "Embassy Security, Construction, and
17 Maintenance".

18 (3) "Economic Support Fund".

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

21 (b) For the purposes of implementing this section,
22 and only with respect to the tables included in the joint
23 statement accompanying this Act, the Secretary of State
24 and the Administrator of the United States Agency for
25 International Development, as appropriate, may propose

1 deviations to the amounts referenced in subsection (a),
2 subject to the regular notification procedures of the Com-
3 mittees on Appropriations and section 634A of the For-
4 eign Assistance Act of 1961.

5 SPENDING PLAN AND NOTIFICATION PROCEDURES

6 SEC. 1104. (a) SPENDING PLAN.—Not later than 45
7 days after the enactment of this Act, the Secretary of
8 State, in consultation with the Administrator of the
9 United States Agency for International Development, shall
10 submit to the Committees on Appropriations a report de-
11 tailing planned expenditures for funds appropriated in this
12 title, except for funds appropriated under the headings
13 "International Disaster Assistance" and "Migration and
14 Refugee Assistance".

15 (b) NOTIFICATION.—Funds made available in this
16 title shall be subject to the regular notification procedures
17 of the Committees on Appropriations and section 634A
18 of the Foreign Assistance Act of 1961.

19 GLOBAL FINANCIAL CRISIS

20 SEC. 1105. (a) IN GENERAL.—Of the funds appro-
21 priated in this title under the heading "Economic Support
22 Fund", not more than $255,601,000 may be made avail-
23 able for assistance for vulnerable populations in developing
24 countries severely affected by the global financial crisis
25 that—

1 (1) have a 2007 per capita Gross National In-
2 come of $3,705 or less;
3 (2) have seen a contraction in predicted growth
4 rates of 2 percent or more since 2007; and
5 (3) demonstrate consistent improvement on the
6 democracy and governance indicators as measured
7 by the Millennium Challenge Corporation 2009
8 Country Scorebook.
9 (b) TRANSFER AUTHORITIES.—Of the funds appro-
10 priated in this title under the heading "Economic Support
11 Fund" for developing countries impacted by the global fi-
12 nancial crisis—
13 (1) up to $29,000,000 may be transferred and
14 merged with "Development Credit Authority", for
15 the cost of direct loans and loan guarantees notwith-
16 standing the dollar limitations in such account on
17 transfers to the account and the principal amount of
18 loans made or guaranteed with respect to any single
19 country or borrower: *Provided*, That such trans-
20 ferred funds may be available to subsidize total loan
21 principal, any portion of which is to be guaranteed,
22 of up to $2,000,000,000: *Provided further*, That the
23 authority provided by the previous proviso is in addi-
24 tion to authority provided under the heading "Devel-
25 opment Credit Authority" in Public Law 111–8:

1 *Provided further*, That up to $1,500,000 may be for
2 administrative expenses to carry out credit programs
3 administered by the United States Agency for Inter-
4 national Development; and
5 (2) up to $20,000,000 may be transferred to,
6 and merged with, "Overseas Private Investment Cor-
7 poration Program Account": *Provided*, That the au-
8 thority provided in this paragraph is in addition to
9 authority provided in section 7081 in Public Law
10 111–8.
11 (c) REPROGRAMMING AUTHORITY.—Notwithstanding
12 any other provision of law, funds appropriated under the
13 heading "Millennium Challenge Corporation" (MCC) in
14 prior Acts making appropriations for the Department of
15 State, foreign operations, and related programs may be
16 made available for programs and activities to assist vul-
17 nerable populations severely affected by the global finan-
18 cial crisis in a country that has signed a compact with
19 the MCC or has been designated by the MCC as a thresh-
20 old country: *Provided*, That such a modification of a com-
21 pact or threshold program by the MCC should be made,
22 if practicable, prior to making available additional assist-
23 ance for such purposes: *Provided further*, That the MCC
24 shall consult with the Committees on Appropriations prior
25 to exercising the authority of this subsection.

1 (d) REPORT.—The Secretary of State, in consultation
2 with the Administrator of the United States Agency for
3 International Development (USAID), shall submit a
4 spending plan not later than 45 days after the date of
5 enactment of this Act to the Committees on Appropria-
6 tions, and prior to the initial obligation of funds appro-
7 priated for countries impacted by the global economic cri-
8 sis, detailing the use of all funds on a country-by-country,
9 and project-by-project basis: *Provided,* That for each
10 project, the report shall include (1) the projected long-
11 term economic impact of providing such funds; (2) the
12 name of the entity or implementing organization to which
13 funds are being provided; (3) whether funds will be pro-
14 vided as a direct cash transfer to a local or national gov-
15 ernment entity; and (4) an assessment of whether USAID
16 has reviewed its existing programs in such country to de-
17 termine reprogramming opportunities to increase assist-
18 ance for vulnerable populations: *Provided further,* That
19 funds transferred to the Development Credit Authority
20 and the Overseas Private Investment Corporation are sub-
21 ject to the reporting requirements in section 1104.

22 IRAQ

23 SEC. 1106. (a) IN GENERAL.—Funds appropriated
24 in this title that are available for assistance for Iraq shall

1 be made available, to the maximum extent practicable, in
2 a manner that utilizes Iraqi entities.

3 (b) MATCHING REQUIREMENT.—Funds appropriated
4 in this title for assistance for Iraq shall be made available
5 in accordance with the Department of State's April 9,
6 2009, "Guidelines for Government of Iraq Financial Par-
7 ticipation in United States Government-Funded Civilian
8 Foreign Assistance Programs and Projects".

9 (c) OTHER ASSISTANCE.—Of the funds appropriated
10 in this title under the heading "Economic Support Fund",
11 not less than $15,000,000 shall be made available for tar-
12 geted development programs and activities in areas of con-
13 flict in Iraq, and the responsibility for policy decisions and
14 justifications for the use of such funds shall be the respon-
15 sibility of the United States Chief of Mission in Iraq.

16 PROHIBITION ON ASSISTANCE TO HAMAS

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

21 (b) Notwithstanding the limitation of subsection (a),
22 assistance may be provided to a power-sharing government
23 only if the President certifies in writing and reports to
24 the Committees on Appropriations that such government,
25 including all of its ministers or such equivalent, has pub-

licly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961.

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

(d) Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent, are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961. The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

TERMS AND CONDITIONS

SEC. 1108. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division

1 H of Public Law 111–8), except that sections 7070(e),
2 with respect to funds made available for macroeconomic
3 growth assistance for Zimbabwe, and 7042(a) and (c) of
4 such Act shall not apply to funds made available in this
5 title.

6 MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

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

11 **"SEC. 24. FIFTEENTH REPLENISHMENT.**

12 "(a) The United States Governor of the International
13 Development Association is authorized to contribute on
14 behalf of the United States $3,705,000,000 to the fif-
15 teenth replenishment of the resources of the Association,
16 subject to obtaining the necessary appropriations.

17 "(b) In order to pay for the United States contribu-
18 tion provided for in subsection (a), there are authorized
19 to be appropriated, without fiscal year limitation,
20 $3,705,000,000 for payment by the Secretary of the
21 Treasury.

22 **"SEC. 25. MULTILATERAL DEBT RELIEF.**

23 "(a) The Secretary of the Treasury is authorized to
24 contribute, on behalf of the United States, not more than
25 $356,000,000 to the International Development Associa-

1 tion for the purpose of funding debt relief under the Multi-
2 lateral Debt Relief Initiative in the period governed by the
3 fifteenth replenishment of resources of the International
4 Development Association, subject to obtaining the nec-
5 essary appropriations and without prejudice to any fund-
6 ing arrangements in existence on the date of the enact-
7 ment of this section.

8 "(b) In order to pay for the United States contribu-
9 tion provided for in subsection (a), there are authorized
10 to be appropriated, without fiscal year limitation, not more
11 than $356,000,000 for payment by the Secretary of the
12 Treasury.

13 "(c) In this section, the term 'Multilateral Debt Re-
14 lief Initiative' means the proposal set out in the G8 Fi-
15 nance Ministers' Communique entitled 'Conclusions on
16 Development,' done at London, June 11, 2005, and re-
17 affirmed by G8 Heads of State at the Gleneagles Summit
18 on July 8, 2005.".

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

22 **"SEC. 219. ELEVENTH REPLENISHMENT.**

23 "(a) The United States Governor of the African De-
24 velopment Fund is authorized to contribute on behalf of
25 the United States $468,165,000 to the eleventh replenish-

1 ment of the resources of the Fund, subject to obtaining
2 the necessary appropriations.
3 "(b) In order to pay for the United States contribu-
4 tion provided for in subsection (a), there are authorized
5 to be appropriated, without fiscal year limitation,
6 $468,165,000 for payment by the Secretary of the Treas-
7 ury.
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
12 purpose of funding debt relief under the Multilateral Debt
13 Relief Initiative in the period governed by the eleventh re-
14 plenishment of resources of the African Development
15 Fund, subject to obtaining the necessary appropriations
16 and without prejudice to any funding arrangements in ex-
17 istence on the date of the enactment of this section.
18 "(b) In order to pay for the United States contribu-
19 tion provided for in subsection (a), there are authorized
20 to be appropriated, without fiscal year limitation, not more
21 than $26,000,000 for payment by the Secretary of the
22 Treasury.".

1 PROMOTION OF POLICY GOALS AT THE WORLD BANK
2 GROUP

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

6 **"SEC. 1626. REFORM OF THE 'DOING BUSINESS' REPORT OF**
7 **THE WORLD BANK.**

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

15 "(1) Suspension of the use of the 'Employing
16 Workers' Indicator for the purpose of ranking or
17 scoring country performance in the annual Doing
18 Business Report of the World Bank until a set of in-
19 dicators can be devised that fairly represent the
20 value of internationally recognized workers' rights,
21 including core labor standards, in creating a stable
22 and favorable environment for attracting private in-
23 vestment. The indicators shall bring to bear the ex-
24 periences of the member governments in dealing
25 with the economic, social and political complexity of

1 labor market issues. The indicators should be devel-
2 oped through collaborative discussions with and be-
3 tween the World Bank, the International Finance
4 Corporation, the International Labor Qrganization,
5 private companies, and labor unions.
6 "(2) Elimination of the 'Labor Tax and Social
7 Contributions' Subindicator from the annual Doing
8 Business Report of the World Bank.
9 "(3) Removal of the 'Employing Workers' Indi-
10 cator as a 'guidepost' for calculating the annual
11 Country Policy and Institutional Assessment score
12 for each recipient country.
13 "(b) Within 60 days after the date of the enactment
14 of this section, the Secretary of the Treasury shall provide
15 an instruction to the United States Executive Directors
16 referred to in subsection (a) to take appropriate actions
17 with respect to implementing the policy goals of the
18 United States set forth in subsection (a), and such in-
19 struction shall be posted on the website of the Department
20 of the Treasury.
21 **"SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFEC-**
22 **TIVENESS OF THE INSPECTION PANEL PROC-**
23 **ESS OF THE WORLD BANK.**
24 "(a) ENHANCING TRANSPARENCY IN IMPLEMENTA-
25 TION OF MANAGEMENT ACTION PLANS.—The Secretary

1 of the Treasury shall direct the United States Executive
2 Directors at the World Bank to seek to ensure that World
3 Bank Procedure 17.55, which establishes the operating
4 procedures of Management with regard to the Inspection
5 Panel, provides that Management prepare and make avail-
6 able to the public semiannual progress reports describing
7 implementation of Action Plans considered by the Board;
8 allow and receive comments from Requesters and other
9 Affected Parties for two months after the date of disclo-
10 sure of the progress reports; post these comments on
11 World Bank and Inspection Panel websites (after receiving
12 permission from the requestors to post with or without
13 attribution); submit the reports to the Board with any
14 comments received; and make public the substance of any
15 actions taken by the Board after Board consideration of
16 the reports.

17 "(b) SAFEGUARDING THE INDEPENDENCE AND EF-
18 FECTIVENESS OF THE INSPECTION PANEL.—The Sec-
19 retary of the Treasury shall direct the United States Exec-
20 utive Directors at the World Bank to continue to promote
21 the independence and effectiveness of the Inspection
22 Panel, including by seeking to ensure the availability of,
23 and access by claimants to, the Inspection Panel for
24 projects supported by World Bank resources.

1 "(c) EVALUATION OF COUNTRY SYSTEMS.—The Sec-
2 retary of the Treasury shall direct the United States Exec-
3 utive Directors at the World Bank to request an evalua-
4 tion by the Independent Evaluation Group on the use of
5 country environmental and social safeguard systems to de-
6 termine the degree to which, in practice, the use of such
7 systems provides the same level of protection at the project
8 level as do the policies and procedures of the World Bank.
9 "(d) WORLD BANK DEFINED.—In this section, the
10 term 'World Bank' means the International Bank for Re-
11 construction and Development and the International De-
12 velopment Association.".

13 CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS
14 ACCOUNTING

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

18 **"SEC. 1308. CLIMATE CHANGE MITIGATION AND GREEN-**
19 **HOUSE GAS ACCOUNTING.**

20 "(a) USE OF GREENHOUSE GAS ACCOUNTING.—The
21 Secretary of the Treasury shall seek to ensure that multi-
22 lateral development banks (as defined in section
23 1701(c)(4) of this Act) adopt and implement greenhouse
24 gas accounting in analyzing the benefits and costs of indi-
25 vidual projects (excluding those with de minimus green-

1 house gas emissions) for which funding is sought from the
2 bank.

3 "(b) EXPANSION OF CLIMATE CHANGE MITIGATION
4 ACTIVITIES.—The Secretary of the Treasury shall work
5 to ensure that the multilateral development banks (as de-
6 fined in section 1701(c)(4)) expand their activities sup-
7 porting climate change mitigation by—

8 "(1) significantly expanding support for invest-
9 ments in energy efficiency and renewable energy, in-
10 cluding zero carbon technologies;

11 "(2) reviewing all proposed infrastructure in-
12 vestments to ensure that all opportunities for inte-
13 grating energy efficiency measures have been consid-
14 ered;

15 "(3) increasing the dialogue with the govern-
16 ments of developing countries regarding—

17 "(A) analysis and policy measures needed
18 for low carbon emission economic development;
19 and

20 "(B) reforms needed to promote private
21 sector investments in energy efficiency and re-
22 newable energy, including zero carbon tech-
23 nologies; and

1 "(4) integrate low carbon emission economic de-
2 velopment objectives into multilateral development
3 bank country strategies.
4 "(c) REPORT TO CONGRESS.—Not later than 1 year
5 after the date of the enactment of this section, and annu-
6 ally thereafter, the Secretary of the Treasury shall submit
7 a report on the status of efforts to implement this section
8 to the Committee on Foreign Relations and the Committee
9 on Appropriations of the Senate and the Committee on
10 Financial Services and the Committee on Appropriations
11 of the House of Representatives.".
12 MULTILATERAL DEVELOPMENT BANK REFORM
13 SEC. 1112. (a) BUDGET DISCLOSURE.—The Sec-
14 retary of the Treasury shall seek to ensure that the multi-
15 lateral development banks make timely, public disclosure
16 of their operating budgets including expenses for staff,
17 consultants, travel and facilities.
18 (b) EVALUATION.—The Secretary of the Treasury
19 shall seek to ensure that multilateral development banks
20 rigorously evaluate the development impact of selected
21 bank projects, programs, and financing operations, and
22 emphasize use of random assignment in conducting such
23 evaluations, where appropriate and to the extent feasible.
24 (c) EXTRACTIVE INDUSTRIES.—The Secretary of the
25 Treasury shall direct the United States Executive Direc-

tors at the multilateral development banks to promote the endorsement of the Extractive Industry Transparency Initiative (EITI) by these institutions and the integration of the principles of the EITI into extractive industry-related projects that are funded by the multilateral development banks.

(d) REPORT.—Not later than September 30, 2009, the Secretary of the Treasury shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on ~~Foreign Affairs~~ Financial Services of the House of Representatives, detailing actions taken by the multilateral development banks to achieve the objectives of this section.

(e) COORDINATION OF DEVELOPMENT POLICY.—The Secretary of the Treasury shall consult with the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal agencies, as appropriate, in the formulation and implementation of United States policy relating to the development activities of the World Bank Group.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

SEC. 1113. (a) Subject to such regulations prescribed by the Secretary of State, including with respect to phase-in schedule and treatment as basic pay, and notwithstanding any other provision of law, funds appropriated

1 for this fiscal year in this or any other Act may be used
2 to pay an eligible member of the Foreign Service as de-
3 fined in subsection (b) of this section a locality-based com-
4 parability payment (stated as a percentage) up to the
5 amount of the locality-based comparability payment (stat-
6 ed as a percentage) that would be payable to such member
7 under section 5304 of title 5, United States Code if such
8 member's official duty station were in the District of Co-
9 lumbia.

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

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

22 REFUGEE PROGRAMS AND OVERSIGHT
23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 1114. (a) FUNDING.—Of the funds appro-
25 priated in this title under the heading "Migration and Ref-

1 ugee Assistance", up to $119,000,000 may be made avail-
2 able to the United Nations Relief and Works Agency for
3 activities in the West Bank and Gaza.

4 (b) OVERSIGHT.—Of the funds made available in this
5 title under the heading "Economic Support Fund" for as-
6 sistance for the West Bank and Gaza, $1,000,000 shall
7 be transferred to, and merged with, funds available under
8 the heading "Administration of Foreign Affairs, Office of
9 Inspector General" for oversight of programs in the West
10 Bank, Gaza and surrounding region.

11 TECHNICAL AND OTHER PROVISIONS

12 SEC. 1115. (a) MODIFICATION.—Title III of division
13 H of Public Law 111–8 is amended under the heading
14 "Economic Support Fund" in the second proviso by strik-
15 ing "up to $20,000,000" and inserting "not less than
16 $20,000,000".

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

24 (c) REEMPLOYMENT OF ANNUITANTS.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)(1) by inserting ", Pakistan," after "Iraq" each place it appears; and, in subsection (g)(2) by striking "2009" and inserting instead "2010".

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(1) by adding ", Pakistan," after "Iraq" each place it appears; and, in subsection (a)(2) by striking "2008" and inserting instead "2010".

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(A) by adding ", Pakistan," after "Iraq" each place it appears; and, in subsection (j)(1)(B) by striking "2008" and inserting instead "2010".

(d) INCENTIVES FOR CRITICAL POSTS.—Notwithstanding sections 5753(a)(2)(A) and 5754(a)(2)(A) of title 5, United States Code, appropriations made available by this or any other Act may be used to pay recruitment, relocation, and retention bonuses under chapter 57 of title 5, United States Code to members of the Foreign Service, other than chiefs of mission and ambassadors at large, who are on official duty in Iraq, Afghanistan, or Pakistan. This authority shall terminate on October 1, 2010.

1 (e) Of the funds appropriated under the heading
2 "Foreign Military Financing Program" in Public Law
3 110–161 that are available for assistance for Colombia,
4 $500,000 may be transferred to, and merged with, funds
5 appropriated under the heading "International Narcotics
6 Control and Law Enforcement" to provide medical and re-
7 habilitation assistance for members of Colombian security
8 forces who have suffered severe injuries.

9 AFGHANISTAN AND PAKISTAN COMMITMENT AND
10 CAPABILITIES REPORT

11 SEC. 1116. (a) REPORTING REQUIREMENT.—Not
12 later than the date of submission of the fiscal year 2011
13 budget request, the President shall submit a report to the
14 appropriate congressional committees, in classified form if
15 necessary, assessing the extent to which the Afghan and
16 Pakistani governments are demonstrating the necessary
17 commitment, capability, conduct and unity of purpose to
18 warrant the continuation of the President's policy an-
19 nounced on March 27, 2009, to include:

20 (1) the level of political consensus and unity of
21 purpose across ethnic, tribal, religious and political
22 party affiliations to confront the political and secu-
23 rity challenges facing the region;

1 (2) the level of government corruption that un-
2 dermines such political consensus and unity of pur-
3 pose, and actions taken to eliminate it;
4 (3) the actions taken by respective security
5 forces and appropriate government entities in devel-
6 oping a counterinsurgency capability, conducting
7 counterinsurgency operations and establishing secu-
8 rity and governance on the ground;
9 (4) the actions taken by respective intelligence
10 agencies in cooperating with the United States on
11 counterinsurgency and counterterrorism operations
12 and in terminating policies and programs, and re-
13 moving personnel, that provide material support to
14 extremist networks that target United States troops
15 or undermine United States objectives in the region;
16 (5) the ability of the Afghan and Pakistani gov-
17 ernments to effectively control and govern the terri-
18 tory within their respective borders; and
19 (6) the ways in which United States Govern-
20 ment assistance contributed, or failed to contribute,
21 to achieving the actions outlined above.
22 (b) POLICY ASSESSMENT.—The President, on the
23 basis of information gathered and coordinated by the Na-
24 tional Security Council, shall advise the appropriate con-

1 gressional committees on how such assessment requires,
2 or does not require, changes to such policy.
3 (c) DEFINITION.—For purposes of this section, "ap-
4 propriate congressional committees" means the Commit-
5 tees on Appropriations, Foreign Relations and Armed
6 Services of the Senate, and the Committees on Appropria-
7 tions, Foreign Affairs and Armed Services of the House
8 of Representatives.

9 UNITED STATES POLICY REPORT ON AFGHANISTAN AND
10 PAKISTAN

7) 11 SEC. 111~~6~~. (a) STATEMENT OF OBJECTIVES.—Not
12 later than ~~180~~ (90 days after the date of the enactment of
13 this Act, the President shall submit to the appropriate
14 congressional committees a clear statement of the objec-
15 tives of United States policy with respect to Afghanistan
16 and Pakistan, and the metrics to be utilized to assess
17 progress toward achieving such objectives.
18 (b) REPORTING REQUIREMENT.—Not later than
19 March 30, 2010 and every 180 days thereafter until Sep-
20 tember 30, 2011, the President, in consultation with Coa-
21 lition partners as appropriate, shall submit to the appro-
22 priate congressional committees a report, in classified
23 form if necessary, setting forth the following:
24 (1) a description and assessment of the
25 progress of United States Government efforts, in-

1 cluding those of the Department of Defense, the De-
2 partment of State, the United States Agency for
3 International Development, and the Department of
4 Justice, in achieving the objectives for Afghanistan
5 and Pakistan in subsection (a);
6 (2) any modification of the metrics in sub-
7 section (a) in light of circumstances in Afghanistan
8 or Pakistan, together with a justification for such
9 modification; and
10 (3) recommendations for the additional re-
11 sources or authorities, if any, required to achieve
12 such objectives for Afghanistan and Pakistan.
13 (4) Any report submitted in classified form
14 shall include an unclassified annex or summary of
15 the matters contained in the report.
16 (c) DEFINITION.—For purposes of this section, "ap-
17 propriate congressional committees" means—
18 (1) the Committees on Armed Services, Appro-
19 priations, Foreign Relations, Homeland Security and
20 Governmental Affairs, and the Judiciary and the Se-
21 lect Committee on Intelligence of the Senate; and
22 (2) the Committees on Armed Services, Appro-
23 priations, Foreign Affairs, Homeland Security, and
24 the Judiciary and the Permanent Select Committee
25 on Intelligence of the House of Representatives.

(c) CLASSIFICATION

(d)

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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
10 Airway Trust Fund, $13,200,000, to remain available
11 until 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
18 permanently rescinded from amounts authorized for the
19 fiscal year ending September 30, 2008.
20 GENERAL PROVISIONS—THIS TITLE
21 SEC. 1201. Section 1937(d) of Public Law 109–59
22 (119 Stat. 1144, 1510) is amended—

1 (1) in paragraph (1) by striking "expenditures"
2 each place that it appears and inserting "alloca-
3 tions"; and
4 (2) in paragraph (2) by striking "expenditure"
5 and inserting "allocation".
6 SEC. 1202. A recipient and subrecipient of funds ap-
7 propriated in Public Law 111–5 and apportioned pursuant
8 to section 5311 and section 5336 (other than subsection
9 (i)(1) and (j)) of title 49, United States Code, may use
10 up to 10 percent of the amount apportioned for the oper-
11 ating costs of equipment and facilities for use in public
12 transportation or for eligible activities under section
13 5311(f): *Provided*, That a grant obligating such funds on
14 or after February 17, 2009, may be amended to allow a
15 recipient and subrecipient to use the funds made available
16 for operating assistance: *Provided further*, That applicable
17 chapter 53 requirements apply, except for the Federal
18 share which shall be, at the option of the recipient, up
19 to 100 percent.
20 SEC. 1203. Public Law 110–329, under the heading
21 "Project-Based Rental Assistance", is amended by strik-
22 ing "project-based vouchers" and all that follows up to
23 the period and inserting "activities and assistance for the
24 provision of tenant-based rental assistance, including re-
25 lated administrative expenses, as authorized under the

United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), $80,000,000, to remain available until expended: *Provided*, That, ~~notwithstanding section 204 of title II of division K of Public Law 110–161,~~ such funds shall be made available within 60 days of the enactment of this Act: *Provided further*, That in carrying out the activities authorized under this heading, the Secretary shall waive section (o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B))"~~: *Provided*, That such additional funds are designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010~~.

SEC. 1204. Public Law 111–5 is amended by striking the second proviso under the heading "HOME Investment Partnerships Program" and inserting "*Provided further*, That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under sections 42(h) and 1400N of the Internal Revenue Code of 1986:".

Insert 3A

Insert 3A

Sec. 1205. Notwithstanding Section 1606, amounts made available under Division A of Public Law 111-5 for the "Public Housing Capital Fund" to carry out capital and management activities for public housing agencies as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) shall be subject to 42 U.S.C. 1437j; for the "Community Development Fund" to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) shall be subject to 42 U.S.C. 5310 (or a waiver under 42 U.S.C. 5307(e)(2)); for "Native American Housing Block Grants," as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.) ("NAHASDA") shall be subject to 25 U.S.C. 4114(b); and for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4221 et seq.) shall be subject to 25 U.S.C. 4225(b).

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TITLE XIII—CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

SEC. 1301. SHORT TITLE.

This title may be cited as the "Consumer Assistance to Recycle and Save Act of 2009".

SEC. 1302. CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the "Consumer Assistance to Recycle and Save Program" through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require that all registered dealers—

(A) to accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for eligible transactions by such dealers, in accordance with the regulations issued under subsection (d); and

(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

(1) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

(2) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible

1 trade-in vehicle and the eligible trade-in vehicle
2 is a category 2 truck.
3 (c) PROGRAM SPECIFICATIONS.—
4 (1) LIMITATIONS.—
5 (A) GENERAL PERIOD OF ELIGIBILITY.—A
6 voucher issued under the Program shall be used
7 only in connection with the purchase or quali-
8 fying lease of new fuel efficient automobiles
9 that occur between July 1, 2009 and November
10 1, 2009.
11 (B) NUMBER OF VOUCHERS PER PERSON
12 AND PER TRADE-IN VEHICLE.—Not more than
13 1 voucher may be issued for a single person and
14 not more than 1 voucher may be issued for the
15 joint registered owners of a single eligible trade-
16 in vehicle.
17 (C) NO COMBINATION OF VOUCHERS.—
18 Only 1 voucher issued under the Program may
19 be applied toward the purchase or qualifying
20 lease of a single new fuel efficient automobile.
21 (D) CAP ON FUNDS FOR CATEGORY 3
22 TRUCKS.—Not more than 7.5 percent of the
23 total funds made available for the Program
24 shall be used for vouchers for the purchase or
25 qualifying lease of category 3 trucks.

1 (E) COMBINATION WITH OTHER INCEN-
2 TIVES PERMITTED.—The availability or use of a
3 Federal, State, or local incentive or a State-
4 issued voucher for the purchase or lease of a
5 new fuel efficient automobile shall not limit the
6 value or issuance of a voucher under the Pro-
7 gram to any person otherwise eligible to receive
8 such a voucher.
9 (F) NO ADDITIONAL FEES.—A dealer par-
10 ticipating in the program may not charge a per-
11 son purchasing or leasing a new fuel efficient
12 automobile any additional fees associated with
13 the use of a voucher under the Program.
14 (G) NUMBER AND AMOUNT.—The total
15 number and value of vouchers issued under the
16 Program may not exceed the amounts appro-
17 priated for such purpose.
18 (2) DISPOSITION OF ELIGIBLE TRADE-IN VEHI-
19 CLES.—
20 (A) IN GENERAL.—For each eligible trade-
21 in vehicle surrendered to a dealer under the
22 Program, the dealer shall certify to the Sec-
23 retary, in such manner as the Secretary shall
24 prescribe by rule, that the dealer—

(i) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

(ii) will transfer the vehicle (including the engine block), in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who is responsible for ensuring that the vehicle is crushed or shredded from—

(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless with respect to the drive train, the transmission, drive shaft, or rear end are sold as separate parts); or

1 (ii) retaining the proceeds from such
2 sale.
3 (C) COORDINATION.—The Secretary shall
4 coordinate with the Attorney General to ensure
5 that the National Motor Vehicle Title Informa-
6 tion System and other publicly accessible sys-
7 tems are appropriately updated on a timely
8 basis to reflect the crushing or shredding of ve-
9 hicles under this section and appropriate reclas-
10 sification of the vehicles' titles. The commercial
11 market shall also have electronic and commer-
12 cial access to the vehicle identification numbers
13 of vehicle that have been disposed of on a time-
14 ly basis.
15 (d) REGULATIONS.—Notwithstanding the require-
16 ments of section 553 of title 5, United States Code, the
17 Secretary shall promulgate final regulations to implement
18 the Program not later than 30 days after the date of the
19 enactment of this Act. Such regulations shall—
20 (1) provide for a means of registering dealers
21 for participation in the Program;
22 (2) establish procedures for the reimbursement
23 of dealers participating in the Program to be made
24 through electronic transfer of funds for the amount
25 of the vouchers as soon as practicable but no longer

than 10 days after the submission of information supporting the eligible transaction, as deemed appropriate by the Secretary;

(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze,

1 lead products, mercury switches, and such other
2 toxic or hazardous vehicle components prior to
3 the crushing or shredding of an eligible trade-
4 in vehicle, in accordance with rules established
5 by the Secretary in consultation with the Ad-
6 ministrator of the Environmental Protection
7 Agency, and in accordance with other applicable
8 Federal or State requirements;
9 (B) a mechanism for dealers to certify to
10 the Secretary that each eligible trade-in vehicle
11 will be transferred to an entity that will ensure
12 that the vehicle is disposed of, in accordance
13 with such requirements and procedures, and to
14 submit the vehicle identification numbers of the
15 vehicles disposed of and the new fuel efficient
16 automobile purchased with each voucher;
17 (C) a mechanism for obtaining such other
18 certifications as deemed necessary by the Sec-
19 retary from entities engaged in vehicle disposal;
20 and
21 (D) a list of entities to which dealers may
22 transfer eligible trade-in vehicles for disposal;
23 and
24 (6) provide for the enforcement of the penalties
25 described in subsection (e).

1 (e) ANTI-FRAUD PROVISIONS.—

2 (1) VIOLATION.—It shall be unlawful for any
3 person to violate any provision under this section or
4 any regulations issued pursuant to subsection (d)
5 (other than by making a clerical error).

6 (2) PENALTIES.—Any person who commits a
7 violation described in paragraph (1) shall be liable to
8 the United States Government for a civil penalty of
9 not more than $15,000 for each violation. The Sec-
10 retary shall have the authority to assess and com-
11 promise such penalties, and shall have the authority
12 to require from any entity the records and inspec-
13 tions necessary to enforce this program. In deter-
14 mining the amount of the civil penalty, the severity
15 of the violation and the intent and history of the
16 person committing the violation shall be taken into
17 account.

18 (f) INFORMATION TO CONSUMERS AND DEALERS.—
19 Not later than 30 days after the date of the enactment
20 of this Act, and promptly upon the update of any relevant
21 information, the Secretary, in consultation with the Ad-
22 ministrator of the Environmental Protection Agency, shall
23 make available on an Internet website and through other
24 means determined by the Secretary information about the
25 Program, including—

1 (1) how to determine if a vehicle is an eligible
2 trade-in vehicle;
3 (2) how to participate in the Program, includ-
4 ing how to determine participating dealers; and
5 (3) a comprehensive list, by make and model, of
6 new fuel efficient automobiles meeting the require-
7 ments of the Program.
8 Once such information is available, the Secretary shall
9 conduct a public awareness campaign to inform consumers
10 about the Program and where to obtain additional infor-
11 mation.
12 (g) RECORD KEEPING AND REPORT.—
13 (1) DATABASE.—The Secretary shall maintain
14 a database of the vehicle identification numbers of
15 all new fuel efficient vehicles purchased or leased
16 and all eligible trade-in vehicles disposed of under
17 the Program.
18 (2) REPORT ON EFFICACY OF THE PROGRAM.—
19 Not later than 60 days after the termination date
20 described in subsection (c)(1)(A), the Secretary shall
21 submit a report to the Committee on Energy and
22 Commerce of the House of Representatives and the
23 Committee on Commerce, Science, and Transpor-
24 tation of the Senate describing the efficacy of the
25 Program, including—

1 (A) a description of Program results, in-
2 cluding—
3 (i) the total number and amount of
4 vouchers issued for purchase or lease of
5 new fuel efficient automobiles by manufac-
6 turer (including aggregate information
7 concerning the make, model, model year)
8 and category of automobile;
9 (ii) aggregate information regarding
10 the make, model, model year, and manu-
11 facturing location of vehicles traded in
12 under the Program; and
13 (iii) the location of sale or lease;
14 (B) an estimate of the overall increase in
15 fuel efficiency in terms of miles per gallon, total
16 annual oil savings, and total annual greenhouse
17 gas reductions, as a result of the Program; and
18 (C) an estimate of the overall economic
19 and employment effects of the Program.
20 (h) EXCLUSION OF VOUCHERS FROM INCOME.—
21 (1) FOR PURPOSES OF ALL FEDERAL AND
22 STATE PROGRAMS.—A voucher issued under this
23 program or any payment made for such a voucher
24 pursuant to subsection (a)(3) shall not be regarded
25 as income and shall not be regarded as a resource

1 for the month of receipt of the voucher and the fol-
2 lowing 12 months, for purposes of determining the
3 eligibility of the recipient of the voucher (or the re-
4 cipient's spouse or other family or household mem-
5 bers) for benefits or assistance, or the amount or ex-
6 tent of benefits or assistance, under any Federal or
7 State program.

8 (2) FOR PURPOSES OF TAXATION.—A voucher
9 issued under the program or any payment made for
10 such a voucher pursuant to subsection (a)(3) shall
11 not be considered as gross income of the purchaser
12 of a vehicle for purposes of the Internal Revenue
13 Code of 1986.

14 (i) DEFINITIONS.—As used in this section—

15 (1) the term "passenger automobile" means a
16 passenger automobile, as defined in section
17 32901(a)(18) of title 49, United States Code, that
18 has a combined fuel economy value of at least 22
19 miles per gallon;

20 (2) the term "category 1 truck" means a non-
21 passenger automobile, as defined in section
22 32901(a)(17) of title 49, United States Code, that
23 has a combined fuel economy value of at least 18
24 miles per gallon, except that such term does not in-
25 clude a category 2 truck;

(3) the term "category 2 truck" means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled "Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008";

(4) the term "category 3 truck" means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

(5) the term "combined fuel economy value" means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words "Combined Fuel Economy" on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40, Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A), and posted under the words "Estimated New EPA MPG" and above the word "Combined" for vehicles of model year 1984 through 2007, or posted under the words "New EPA MPG" and above the word "Com-

1 bined" for vehicles of model year 2008 or later
2 on the fueleconomy.gov website of the Environ-
3 mental Protection Agency for the make, model,
4 and year of such vehicle; or
5 (C) with respect to an eligible trade-in ve-
6 hicle manufactured between model years 1978
7 through 1985, the equivalent of the number de-
8 scribed in subparagraph (A) as determined by
9 the Secretary (and posted on the website of the
10 National Highway Traffic Safety Administra-
11 tion) using data maintained by the Environ-
12 mental Protection Agency for the make, model,
13 and year of such vehicle.
14 (6) the term "dealer" means a person licensed
15 by a State who engages in the sale of new auto-
16 mobiles to ultimate purchasers;
17 (7) the term "eligible trade-in vehicle" means
18 an automobile or a work truck (as such terms are
19 defined in section 32901(a) of title 49, United
20 States Code) that, at the time it is presented for
21 trade-in under this section—
22 (A) is in drivable condition;
23 (B) has been continuously insured con-
24 sistent with the applicable State law and reg-
25 istered to the same owner for a period of not

1 less than 1 year immediately prior to such
2 trade-in;
3 (C) was manufactured less than 25 years
4 before the date of the trade-in; and
5 (D) in the case of an automobile, has a
6 combined fuel economy value of 18 miles per
7 gallon or less;
8 (8) the term "new fuel efficient automobile"
9 means an automobile described in paragraph (1),
10 (2), (3), or (4)—
11 (A) the equitable or legal title of which has
12 not been transferred to any person other than
13 the ultimate purchaser;
14 (B) that carries a manufacturer's sug-
15 gested retail price of $45,000 or less;
16 (C) that—
17 (i) in the case of passenger auto-
18 mobiles, category 1 trucks, or category 2
19 trucks, is certified to applicable standards
20 under section 86.1811–04 of title 40, Code
21 of Federal Regulations; or
22 (ii) in the case of category 3 trucks,
23 is certified to the applicable vehicle or en-
24 gine standards under section 86.1816–08,

1 86–007–11, or 86.008–10 of title 40, Code
2 of Federal Regulations; and
3 (D) that has the combined fuel economy
4 value of at least—
5 (i) 22 miles per gallon for a passenger
6 automobile;
7 (ii) 18 miles per gallon for a category
8 1 truck; or
9 (iii) 15 miles per gallon for a category
10 2 truck;
11 (9) the term "Program" means the Consumer
12 Assistance to Recycle and Save Program established
13 by this section;
14 (10) the term "qualifying lease" means a lease
15 of an automobile for a period of not less than 5
16 years;
17 (11) the term "scrappage value" means the
18 amount received by the dealer for a vehicle upon
19 transferring title of such vehicle to the person re-
20 sponsible for ensuring the dismantling and destroy-
21 ing the vehicle;
22 (12) the term "Secretary" means the Secretary
23 of Transportation acting through the National High-
24 way Traffic Safety Administration;

1 (13) the term "ultimate purchaser" means,
2 with respect to any new automobile, the first person
3 who in good faith purchases such automobile for
4 purposes other than resale;
5 (14) the term "vehicle identification number"
6 means the 17 character number used by the auto-
7 mobile industry to identify individual automobiles;
8 and
9 (15) the term "voucher" means an electronic
10 transfer of funds to a dealer based on an eligible
11 transaction under this program.
12 (j) APPROPRIATION.—There is hereby appropriated
13 to the Secretary of Transportation $1,000,000,000, of
14 which up to $50,000,000 is available for administration,
15 to remain available until expended to carry out this sec-
16 tion.

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1 TITLE XIV

2 OTHER MATTERS

3 INTERNATIONAL ASSISTANCE PROGRAMS

4 INTERNATIONAL MONETARY PROGRAMS

5 UNITED STATES QUOTA, INTERNATIONAL MONETARY

6 FUND

7 For an increase in the United States quota in the
8 International Monetary Fund, the dollar equivalent of
9 4,973,100,000 Special Drawing Rights, to remain avail-
10 able until expended: *Provided*, That the cost of the
11 amounts provided herein shall be determined as provided
12 under the Federal Credit Reform Act of 1990 (2 U.S.C.
13 661 et. seq.): *Provided further*, That for purposes of sec-
14 tion 502(5) of the Federal Credit Reform Act of 1990,
15 the discount rate in section 502(5)(E) shall be adjusted
16 for market risks: *Provided further*, That section 504(b) of
17 the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b))
18 shall not apply.

19 LOANS TO INTERNATIONAL MONETARY FUND

20 For loans to the International Monetary Fund under
21 section 17(a)(2) and (b)(2) of the Bretton Woods Agree-
22 ments Act (Public Law 87–490, 22 U.S.C. 286e–2), as
23 amended by this Act pursuant to the New Arrangements
24 to Borrow, the dollar equivalent of up to 75,000,000,000

1 Special Drawing Rights, to remain available until ex-
2 pended, in addition to any amounts previously appro-
3 priated under section 17 of such Act: *Provided*, That if
4 the United States agrees to an expansion of its credit ar-
5 rangement in an amount less than the dollar equivalent
6 of 75,000,000,000 Special Drawing Rights, any amount
7 over the United States' agreement shall not be available
8 until further appropriated: *Provided further*, That the cost
9 of the amounts provided herein shall be determined as pro-
10 vided under the Federal Credit Reform Act of 1990 (2
11 U.S.C. 661 et. seq.): *Provided further*, That for purposes
12 of section 502(5) of the Federal Credit Reform Act of
13 1990, the discount rate in section 502(5)(E) shall be ad-
14 justed for market risks: *Provided further*, That section
15 504(b) of the Federal Credit Reform Act of 1990 (2
16 U.S.C. 661c(b)) shall not apply.

17 GENERAL PROVISIONS—INTERNATIONAL
18 ASSISTANCE PROGRAMS

19 SEC. 1401. Section 17 of the Bretton Woods Agree-
20 ments Act (22 U.S.C. 286e–2) is amended—

21 (1) in subsection (a)—

22 (A) by inserting "(1)" before "In order
23 to"; and

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

"(2) In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G–20 Leaders' Statement of April 2, 2009 in London, the Secretary of the Treasury is authorized to instruct the United States Executive Director to consent to such amendments notwithstanding subsection (d) of this section, and to make loans, in an amount not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section and limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to the Fund under

1 article VII, section 1(i), of the Articles of Agreement
2 of the Fund: *Provided,* That prior to instructing the
3 United States Executive Director to provide consent
4 to such amendments, the Secretary of the Treasury
5 shall consult with the appropriate congressional com-
6 mittees on the amendments to be made to the New
7 Arrangements to Borrow, including guidelines and
8 criteria governing the use of its resources; the coun-
9 tries that have made commitments to contribute to
10 the New Arrangements to Borrow and the amount
11 of such commitments; and the steps taken by the
12 United States to expand the number of countries so
13 the United States share of the expanded New Ar-
14 rangements to Borrow is representative of its share
15 as of the date of enactment of this Act: *Provided*
16 *further,* That any loan under the authority granted
17 in this subsection shall be made with due regard to
18 the present and prospective balance of payments and
19 reserve position of the United States.".
20 and
21 (2) in subsection (b)—
22 (A) by inserting "(1)" before "For the
23 purpose of";
24 (B) by inserting "subsection (a)(1) of"
25 after "pursuant to"; and

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

2 "(2) For the purpose of making loans to the
3 International Monetary Fund pursuant to subsection
4 (a)(2) of this section, there is hereby authorized to
5 be appropriated not to exceed the dollar equivalent
6 of 75,000,000,000 Special Drawing Rights, in addi-
7 tion to any amounts previously authorized under this
8 section, except that prior to activation, the Secretary
9 of the Treasury shall report to Congress on whether
10 supplementary resources are needed to forestall or
11 cope with an impairment of the international mone-
12 tary system and whether the Fund has fully explored
13 other means of funding, to remain available until ex-
14 pended to meet calls by the Fund. Any payments
15 made to the United States by the Fund as a repay-
16 ment on account of the principal of a loan made
17 under this section shall continue to be available for
18 loans to the Fund.".

19 SEC. 1402. The Bretton Woods Agreements Act (22
20 U.S.C. 286 et seq.) is amended by adding at the end the
21 following:

22 **"SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTI-**
23 **CLES OF AGREEMENT OF THE FUND.**

24 "The United States Governor of the Fund may agree
25 to and accept the amendments to the Articles of Agree-

1 ment of the Fund as proposed in the resolutions numbered
2 63–2 and 63–3 of the Board of Governors of the Fund
3 which were approved by such Board on April 28, 2008
4 and May 5, 2008, respectively.

5 **"SEC. 65. QUOTA INCREASE.**

6 "(a) IN GENERAL.—The United States Governor of
7 the Fund may consent to an increase in the quota of the
8 United States in the Fund equivalent to 4,973,100,000
9 Special Drawing Rights.

10 "(b) SUBJECT TO APPROPRIATIONS.—The authority
11 provided by subsection (a) shall be effective only to such
12 extent or in such amounts as are provided in advance in
13 appropriations Acts.

14 **"SEC. 66. APPROVAL TO SELL A LIMITED AMOUNT OF THE**
15 **FUND'S GOLD.**

16 "(a) The Secretary of the Treasury is authorized to
17 instruct the United States Executive Director of the Fund
18 to vote to approve the sale of up to 12,965,649 ounces
19 of the Fund's gold acquired since the second Amendment
20 to the Fund's Articles of Agreement, only if such sales
21 are consistent with the guidelines agreed to by the Execu-
22 tive Board of the Fund described in the Report of the
23 Managing Director to the International Monetary and Fi-
24 nancial Committee on a New Income and Expenditure
25 Framework for the International Monetary Fund (April

1 9, 2008) to prevent disruption to the world gold market:
2 *Provided,* That at least 30 days prior to any such vote,
3 the Secretary shall consult with the appropriate congres-
4 sional committees regarding the use of proceeds from the
5 sale of such gold: *Provided further,* That the Secretary of
6 the Treasury shall seek to ensure that:

7 "(1) the Fund will provide support to low-in-
8 come countries that are eligible for the Poverty Re-
9 duction and Growth Facility or other low-income
10 lending from the Fund by making available Fund re-
11 sources of not less than $4,000,000,000;

12 "(2) such Fund resources referenced above will
13 be used to leverage additional support by a signifi-
14 cant multiple to provide loans with substantial
15 concessionality and debt service payment relief and/
16 or grants, as appropriate to a country's cir-
17 cumstances:

18 "(3) support provided through forgiveness of in-
19 terest on concessional loans will be provided for not
20 less than two years; and

21 "(4) the support provided to low-income coun-
22 tries occurs within six years, a substantial amount
23 of which shall occur within the initial two years.

24 "(b) In addition to agreeing to and accepting the
25 amendments referred to in section 64 of this Act relating

1 to the use of proceeds from the sale of such gold, the
2 United States Governor is authorized, consistent with sub-
3 section (a), to take such actions as may be necessary, in-
4 cluding those referred to in section 5(e) of this Act, to
5 also use such proceeds for the purpose of assisting low-
6 income countries.

7 **"SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES**
8 **OF AGREEMENT OF THE FUND.**

9 "The United States Governor of the Fund may agree
10 to and accept the amendment to the Articles of Agreement
11 of the Fund as proposed in the resolution numbered 54–
12 4 of the Board of Governors of the Fund which was ap-
13 proved by such Board on October 22, 1997: *Provided,*
14 That not more than one year after the acceptance of such
15 amendments to the Fund's Articles of Agreement, the Sec-
16 retary of the Treasury shall submit a report to the appro-
17 priate congressional committees analyzing Special Draw-
18 ing Rights, to include a discussion of how those countries
19 that significantly use or acquire Special Drawing Rights
20 in accordance with Article XIX, Section 2(c), use or ac-
21 quire them; the extent to which countries experiencing bal-
22 ance of payment difficulties exchange or use their Special
23 Drawing Rights to acquire reserve currencies; and the
24 manner in which those reserve currencies are acquired
25 when utilizing Special Drawing Rights.".

1 SEC. 1403. (a) Not later than 30 days after enact-
2 ment of this Act, the Secretary of the Treasury, in con-
3 sultation with the Executive Director of the World Bank
4 and the Executive Board of the International Monetary
5 Fund (the Fund), shall submit a report to the appropriate
6 congressional committees detailing the steps taken to co-
7 ordinate the activities of the World Bank and the Fund
8 to avoid duplication of missions and programs, and steps
9 taken by the Department of the Treasury and the Fund
10 to increase the oversight and accountability of the Fund's
11 activities.

12 (b) For the purposes of this title, "appropriate con-
13 gressional committees" means the Committees on Appro-
14 priations, Banking, Housing, and Urban Affairs, and For-
15 eign Relations of the Senate, and the Committees on Ap-
16 propriations, Foreign Affairs, and Financial Services of
17 the House of Representatives.

18 (c) In the next report to Congress on international
19 economic and exchange rate policies, the Secretary of the
20 Treasury shall: (1) report on ways in which the Fund's
21 surveillance function under Article IV could be enhanced
22 and made more effective in terms of avoiding currency ma-
23 nipulation; (2) report on the feasibility and usefulness of
24 publishing the Fund's internal calculations of indicative
25 exchange rates; and (3) provide recommendations on the

1 steps that the Fund can take to promote global financial
2 stability and conduct effective multilateral surveillance.
3 (d) The Secretary of the Treasury shall instruct the
4 United States Executive Director of the International
5 Monetary Fund to use the voice and vote of the United
6 States to oppose any loan, project, agreement, memo-
7 randum, instrument, plan, or other program of the Fund
8 to a Heavily Indebted Poor Country that imposes budget
9 caps or restraints that do not allow the maintenance of
10 or an increase in governmental spending on health care
11 or education; and to promote government spending on
12 health care, education, food aid, or other critical safety
13 net programs in all of the Fund's activities with respect
14 to Heavily Indebted Poor Countries.
15 SEC. 1404. Title XVI of the International Financial
16 Institutions Act (22 U.S.C. 262p–262p–8) is amended by
17 adding at the end the following: "The Secretary of the
18 Treasury shall instruct the ~~U.S.~~ United States Executive Director at
19 each of the International Financial Institutions (as defined in sec-
20 tion 1701(c)(2) of this Act) to use the voice and vote of
21 the United States to oppose the provision of loans or other
22 use of the funds of the respective institution to any coun-
23 try the government of which the Secretary of State has
24 determined, for purposes of section 6(j) of the Export Ad-
25 ministration Act of 1979, section 620A of the Foreign As-

or

1 sistance Act of 1961, section 40 of the Arms Export Con-
2 trol Act, ~~or any other provision of law~~ to be a government
3 that has repeatedly provided support for acts of inter-
4 national terrorism.".

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GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 14101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 14102. (a) OVERSEAS DEPLOYMENTS DESIGNATIONS.—Except as provided in subsections (b) and (c), each amount in this Act is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EMERGENCY DESIGNATIONS.—Each amount in titles I, II, IV, V, VII, VIII, IX, XII, XIII, XIV, and VI except for amounts under the heading "Coast Guard Operating Expenses" is designated as 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.

(c) Subsection (a) shall not apply to the amounts rescinded in section 309 for "Operation and Maintenance, Marine Corps", "Operation and Maintenance, Air Force", and "Operation and Maintenance, Army Reserve".

1 SEC. 14103. (a) None of the funds made available
2 in this or any prior Act may be used to release an indi-
3 vidual who is detained as of the date of enactment of this
4 Act, at Naval Station, Guantanamo Bay, Cuba, into the
5 continental United States, Alaska, Hawaii, or the District
6 of Columbia.

7 (b) None of the funds made available in this or any
8 prior Act may be used to transfer an individual who is
9 detained as of the date of enactment of this Act, at Naval
10 Station, Guantanamo Bay, Cuba, for the purpose of deten-
11 tion in the continental United States, Alaska, Hawaii, or
12 the District of Columbia, except as provided in subsection
13 (c).

14 (c) None of the funds made available in this or any
15 prior Act may be used to transfer an individual who is
16 detained, as of the date of enactment of this Act, at Naval
17 Station, Guantanamo Bay, Cuba, into the continental
18 United States, Alaska, Hawaii, or the District of Colum-
19 bia, for the purposes of prosecuting such individual, or de-
20 taining such individual during legal proceedings, until 45
21 days after the plan detailed in subsection (d) is received.

22 (d) The President shall submit to the Congress, in
23 classified form, a plan regarding the proposed disposition
24 of any individual covered by subsection (c) who is detained
25 as of the date of enactment of this Act. Such plan shall

1 include, at a minimum, each of the following for each such
2 individual:
3 (1) The findings of an analysis regarding any
4 risk to the national security of the United States
5 that is posed by the transfer of the individual.
6 (2) The costs associated with transferring the
7 individual in question.
8 (3) The legal rationale and associated court de-
9 mands for transfer.
10 (4) A plan for mitigation of any risk described
11 in paragraph (1).
12 (5) A copy of a notification to the Governor of
13 the State to which the individual will be transferred
14 or to the Mayor of the District of Columbia if the
15 individual will be transferred to the District of Co-
16 lumbia with a certification by the Attorney General
17 of the United States in classified form at least 14
18 days prior to such transfer (together with supporting
19 documentation and justification) that the individual
20 poses little or no security risk to the United States.
21 (e) None of the funds made available in this or any
22 prior Act may be used to transfer or release an individual
23 detained at Naval Station, Guantanamo Bay, Cuba, as of
24 the date of enactment of this Act, to the country of such
25 individual's nationality or last habitual residence or to any

1 other country other than the United States, unless the
2 President submits to the Congress, in classified form 15
3 days prior to such transfer, the following information:
4 (1) The name of any individual to be trans-
5 ferred or released and the country to which such in-
6 dividual is to be transferred or released.
7 (2) An assessment of any risk to the national
8 security of the United States or its citizens, includ-
9 ing members of the Armed Services of the United
10 States, that is posed by such transfer or release and
11 the actions taken to mitigate such risk.
12 (3) The terms of any agreement with another
13 country for acceptance of such individual, including
14 the amount of any financial assistance related to
15 such agreement.
16 (f) Prior to the termination of detention operations
17 at Naval Station, Guantanamo Bay, Cuba, the President
18 shall submit to the Congress a report in classified form
19 describing the disposition or legal status of each individual
20 detained at the facility as of the date of enactment of this
21 Act.

This Act may be cited as the "Supplemental Appropriations Act, 2009".

And the Senate agree to the same.

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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment to the text deleted the entire House bill after the enacting clause and inserted the Senate bill, as amended. This conference agreement includes a revised bill.

Report language included by the House in the report accompanying H.R. 2346 (H. Rept. 111-105) and included by the Senate in the report accompanying S. 1054 (S. Rept. 111-20) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

CYBER SECURITY

On May 29, 2009, the Administration released its cyberspace policy review. The conferees direct the Office of Management and Budget to submit to the Committees on Appropriations an unclassified report, no later than July 15, 2009, including a comprehensive explanation of the resources requested in the President's fiscal year 2010 budget related to cyber security, and any budget amendments that might be necessary due to the findings of the review. Classified annexes shall be provided as necessary to the individual Subcommittees regarding programs in their jurisdiction. Users of cyberspace have differing requirements, operating policies, philosophies, and cost tradeoffs. Therefore, the report shall include an explanation of how the requested resources will provide additional security for the distinct users of cyberspace including: federal, state, and local governments; the private sector, including critical infrastructure sectors; academia and education; and the general public. Upon transmittal of the report, the White House Cyber Security Policy Coordinator shall provide a classified briefing to the Committees on Appropriations.

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TITLE I
DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

Public Law 480 Title II Grants

The conference agreement provides $700,000,000 for Public Law 480 Title II grants as proposed by the Senate, instead of $500,000,000 as proposed by the House.

GENERAL PROVISIONS

Section 101. The conference agreement includes language making available funding for the Emergency Conservation Program.

Section 102. The conference agreement provides $71, 270,000 to support $360,000,000 in direct farm ownership loans, $400,000,000 in direct farm operating loans and $50,201,000 in unsubsidized guaranteed operating loans.

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TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The agreement includes $40,000,000 to provide grants under Trade Adjustment Assistance to communities and firms adversely impacted by trade. Within 60 days of the enactment of this Act, the Department is directed to submit a plan to the House and Senate Committees on Appropriations as to how this program will be implemented.

DEPARTMENT OF JUSTICE

DETENTION TRUSTEE

The agreement provides $60,000,000 for detention costs due to increased enforcement activities along the United States-Mexico border.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The agreement provides $1,648,000 for the Criminal Division to supplement existing training and assistance provided to investigators, prosecutors, judges and other parts of the criminal justice systems of Iraq and Afghanistan.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The agreement provides $5,000,000 for the United States Attorneys for ongoing litigation expenses associated with terrorism prosecutions of national importance. The agreement also provides $10,000,000 to prosecute mortgage fraud, financial fraud and market manipulation.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The agreement provides $10,000,000 for the United States Marshals Service. Of the funds provided, $4,000,000 is for enhanced judicial security in districts along the southwest border, $5,000,000 is for the apprehension of criminals who have fled to Mexico, and $1,000,000 is to upgrade surveillance equipment used to monitor drug cartels and violent gang members.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

The agreement includes $1,389,000 for the National Security Division to continue to support terrorism prosecutions of national importance.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The agreement provides $35,000,000 for the Federal Bureau of Investigation to investigate mortgage fraud, predatory lending, financial fraud and market manipulation.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The agreement includes $20,000,000 for the Drug Enforcement Administration to expand its Sensitive Investigation Unit program in Mexico.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The agreement includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for training and technical assistance on improved explosives devices in Iraq. The agreement also includes $4,000,000 to upgrade technology for ballistics evidence sharing with Mexico and $6,000,000 for Project Gunrunner firearms trafficking activities along the southwest border.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The agreement includes $5,038,000 for the Federal Prison System to monitor and translate the communications of incarcerated terrorists and disseminate relevant information to law enforcement agencies, as appropriate.

GENERAL PROVISION, THIS TITLE

(INCLUDING RESCISSION) SC

The agreement includes the following general provision for this title:

Section 201 rescinds $3,000,000 appropriated to the Department's Office of Inspector General in Chapter 2 of Title I, P.L. 110-252, and reappropriates these funds to extend their availability.

No bold

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TITLE III – DEFENSE MATTERS
DEPARTMENT OF DEFENSE

The conference agreement recommends $77,161,439,000 for the Department of Defense, instead of $81,299,888,000, as proposed by the House, and $73,023,506,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense.

Chapter	Conference Recommendation
Military Personnel	18,726,150,000
Operation and Maintenance	32,547,114,000
Procurement	25,846,718,000
Research, Development, Test and Evaluation	833,499,000
Revolving and Management Funds	861,726,000
Other Department of Defense Programs	2,301,992,000

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying this Act.

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days of enactment of this Act on the allocation of the funds within the accounts listed in this title. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this title are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this title by program and subactivity group for the continuation of military operations in Iraq and Afghanistan, and a listing of equipment procured using funds provided in this title. The conferees expect that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title. Additionally, the conferees direct that the Department continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution report as required by Department of Defense Financial Management Regulation, chapter 23, volume 12. The conferees further direct the Department to continue to provide the Cost of War Reports to the congressional defense

committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE

The conferees agree to redirect the funds requested for the Joint Rapid Acquisition Cell to high priority requirements identified by the Intelligence, Surveillance and Reconnaissance Task Force. The funds are distributed to appropriations accounts in the same manner as described in Senate Report 111-20.

MILITARY PERSONNEL

The conference agreement recommends $18,726,150,000 for military personnel.

The recommendations for each military personnel account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
Military Personnel, Army				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	1,211,678	1,211,678	1,211,678	1,211,678
RETIRED PAY ACCRUAL	274,287	274,287	274,287	274,287
BASIC ALLOWANCE FOR HOUSING	302,627	302,627	302,627	302,627
BASIC ALLOWANCE FOR SUBSISTENCE	43,987	43,987	43,987	43,987
INCENTIVE PAYS	13,188	13,188	13,188	13,188
SPECIAL PAYS	263,375	247,000	275,769	275,679
Hardship Duty Pay-Deferred from H.R. 2638		7,560	7,650	7,560
Hostile Fire Pay-Deferred from H.R. 2638		4,744	4,744	4,744
Retention Bonus-Excess to Requirement		-28,679		0
ALLOWANCES	68,778	68,778	68,778	68,778
SEPARATION PAY	22,612	22,612	22,612	22,612
SOCIAL SECURITY TAX	92,693	92,693	92,693	92,693
TOTAL BA-1	2,293,225	2,276,850	2,305,619	2,305,529
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	2,478,940	2,478,940	2,478,940	2,478,940
RETIRED PAY ACCRUAL	552,332	552,332	552,332	552,332
BASIC ALLOWANCE FOR HOUSING	1,070,269	1,070,269	1,070,269	1,070,269
INCENTIVE PAYS	26,865	26,865	26,865	26,865
SPECIAL PAYS	1,213,374	928,784	1,199,651	1,134,651
Hardship Duty Pay-Deferred from H.R. 2638		45,000	45,000	45,000
Hostile Fire Pay-Deferred from H.R. 2638		16,277	16,277	16,277
Enlistment Bonus-Excess to Requirement		-36,200		0
Enlistment Bonus-Anniversary Payments		-81,700		0
Enlistment Bonus-Residual Payments		-75,300		0
Reenlistment Bonus-Excess to Requirement		-152,667		0
Recruiting and Reenlistment Bonuses-Excess to Requirement			-75,000	-140,000
ALLOWANCES	301,146	301,146	301,146	301,146
SEPARATION PAY	89,259	89,259	89,259	89,259
SOCIAL SECURITY TAX	189,823	189,823	189,823	189,823
TOTAL BA-2	5,922,008	5,637,418	5,908,285	5,843,285
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	520,905	520,905	520,905	520,905
SUBSISTENCE-IN-KIND	986,145	986,145	986,145	986,145
TOTAL BA-4	1,507,050	1,507,050	1,507,050	1,507,050
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
OPERATIONAL TRAVEL	82,714	82,714	82,714	82,714
ROTATIONAL TRAVEL	68,271	68,271	68,271	68,271
TOTAL BA-5	150,985	150,985	150,985	150,985
BA-6: OTHER MILITARY PERSONNEL COSTS				
INTEREST ON UNIFORMED SERVICE SAVINGS	21,780	21,780	21,780	21,780
DEATH GRATUITIES	71,000	71,000	71,000	71,000
UNEMPLOYMENT BENEFITS	65,334	65,334	65,334	65,334
RESERVE INCOME REPLACEMENT PROGRAM	8,200	8,200	8,200	8,200
SGLI EXTRA HAZARD PAYMENTS	155,524	155,524	69,524	69,524
Excess to Requirement			-86,000	-86,000
TOTAL BA-6	321,838	321,838	235,838	235,838

	Budget Request	House	Senate	Conference
UNDISTRIBUTED ADJUSTMENT		1,030,500	1,348,000	1,708,000
Year of Execution/Rate Changes		1,030,500	953,100	1,313,100
Funds Requested in Legislative Provisions			394,900	394,900
Total Military Personnel, Army	10,195,106	10,924,641	11,455,777	11,750,687
Military Personnel, Navy				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	263,985	263,985	263,985	263,985
RETIRED PAY ACCRUAL	67,109	67,109	67,109	67,109
BASIC ALLOWANCE FOR HOUSING	87,995	87,995	87,995	87,995
BASIC ALLOWANCE FOR SUBSISTENCE	8,896	8,896	8,896	8,896
INCENTIVE PAYS	1,110	1,110	1,110	1,110
SPECIAL PAYS	25,690	29,335	29,335	29,335
Hardship Duty Pay-Deferred from H.R. 2638		1,463	1,463	1,463
Imminent Danger Pay-Deferred from H.R. 2638		2,182	2,182	2,182
ALLOWANCES	15,251	15,251	15,251	15,251
SEPARATION PAY	6	6	6	6
SOCIAL SECURITY TAX	20,195	20,195	20,195	20,195
TOTAL BA-1	490,237	493,882	493,882	493,882
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	310,721	310,721	310,721	310,721
RETIRED PAY ACCRUAL	79,966	79,966	79,966	79,966
BASIC ALLOWANCE FOR HOUSING	158,257	158,257	158,257	158,257
INCENTIVE PAYS	539	539	539	539
SPECIAL PAYS	92,732	100,132	120,132	100,132
Hardship Duty Pay-Deferred from H.R. 2638		7,400	7,400	7,400
Imminent Danger Pay-Deferred from H.R. 2638			20,000	0
ALLOWANCES	29,212	29,212	29,212	29,212
SEPARATION PAY	3,578	3,578	3,578	3,578
SOCIAL SECURITY TAX	23,770	23,770	23,770	23,770
TOTAL BA-2	698,775	706,175	726,175	706,175
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	35,127	35,127	35,127	35,127
SUBSISTENCE-IN-KIND	12,766	12,766	12,766	12,766
TOTAL BA-4	47,893	47,893	47,893	47,893
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
ACCESSION TRAVEL	4,855	4,855	4,855	4,855
OPERATIONAL TRAVEL	26,222	26,222	26,222	26,222
ROTATIONAL TRAVEL	28,096	28,096	28,096	28,096
SEPARATION TRAVEL	2,919	2,919	2,919	2,919
TOTAL BA-5	62,092	62,092	62,092	62,092
BA-6: OTHER MILITARY PERSONNEL COSTS				
DEATH GRATUITIES	2,600	2,600	2,600	2,600
UNEMPLOYMENT BENEFITS	18,244	18,244	18,244	18,244
RESERVE INCOME REPLACEMENT PROGRAM	50	50	50	50
SGLI EXTRA HAZARD PAYMENTS	34,891	34,891	11,991	11,989
Excess to Requirement			-22,900	-22,902
TOTAL BA-6	55,785	55,785	32,885	32,883

	Budget Request	House	Senate	Conference
UNDISTRIBUTED ADJUSTMENT		**351,000**	**202,300**	**284,363**
Year of Execution/Rate Changes		351,000	202,300	284,363
Total Military Personnel, Navy	**1,354,782**	**1,716,827**	**1,565,227**	**1,627,288**
Military Personnel, Marine Corps				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	**97,044**	**97,044**	**97,044**	**97,044**
RETIRED PAY ACCRUAL	**22,989**	**22,989**	**22,989**	**22,989**
BASIC ALLOWANCE FOR HOUSING	**32,756**	**32,756**	**32,756**	**32,756**
BASIC ALLOWANCE FOR SUBSISTENCE	**3,530**	**3,530**	**3,530**	**3,530**
SPECIAL PAYS	**49,906**	**50,175**	**50,175**	**50,175**
Hardship Duty Pay-Deferred from H.R. 2638		269	269	269
ALLOWANCES	**8,445**	**8,445**	**8,445**	**8,445**
SOCIAL SECURITY TAX	**7,423**	**7,423**	**7,423**	**7,423**
TOTAL BA-1	**222,093**	**222,362**	**222,362**	**222,362**
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	**482,113**	**482,113**	**482,113**	**482,113**
RETIRED PAY ACCRUAL	**121,588**	**121,588**	**121,588**	**121,588**
BASIC ALLOWANCE FOR HOUSING	**123,749**	**123,749**	**123,749**	**123,749**
SPECIAL PAYS	**210,228**	**212,830**	**212,830**	**212,830**
Hardship Duty Pay-Deferred from H.R. 2638		2,602	2,602	2,602
ALLOWANCES	**46,656**	**46,656**	**46,656**	**46,656**
SEPARATION PAY	**2,953**	**2,953**	**2,953**	**2,953**
SOCIAL SECURITY TAX	**36,758**	**36,758**	**36,758**	**36,758**
TOTAL BA-2	**1,024,045**	**1,026,647**	**1,026,647**	**1,026,647**
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	**54,056**	**54,056**	**54,056**	**54,056**
TOTAL BA-4	**54,056**	**54,056**	**54,056**	**54,056**
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
ACCESSION TRAVEL	**4,010**	**4,010**	**4,010**	**4,010**
OPERATIONAL TRAVEL	**51,356**	**51,356**	**51,356**	**51,356**
TOTAL BA-5	**55,366**	**55,366**	**55,366**	**55,366**
BA-6: OTHER MILITARY PERSONNEL COSTS				
DEATH GRATUITIES	**3,400**	**3,400**	**3,400**	**3,400**
UNEMPLOYMENT BENEFITS	**24,500**	**24,500**	**24,500**	**24,500**
SGLI EXTRA HAZARD PAYMENTS	**36,519**	**36,519**	**25,619**	**10,422**
Excess to Requirement			-10,900	-26,097
TOTAL BA-6	**64,419**	**64,419**	**53,519**	**38,322**
UNDISTRIBUTED ADJUSTMENT		**155,000**	**52,403**	**128,194**
Year of Execution/Rate Changes		155,000	52,403	128,194
Total Military Personnel, Marine Corps	**1,419,979**	**1,577,850**	**1,464,353**	**1,524,947**

	Budget Request	House	Senate	Conference
Military Personnel, Air Force				
BA-1: PAY AND ALLOWANCES OF OFFICERS				
BASIC PAY	**190,254**	**190,254**	**190,254**	**190,254**
RETIRED PAY ACCRUAL	**40,144**	**40,144**	**40,144**	**40,144**
BASIC ALLOWANCE FOR HOUSING	**59,781**	**59,781**	**59,781**	**59,781**
BASIC ALLOWANCE FOR SUBSISTENCE	**7,514**	**7,514**	**7,514**	**7,514**
SPECIAL PAYS	**15,425**	**23,636**	**23,636**	**23,636**
Hostile Fire Pay-Deferred from H.R. 2638		6,670	6,670	6,670
Hardship Duty Pay-Deferred from H.R. 2638		1,541	1,541	1,541
ALLOWANCES	**6,831**	**6,831**	**6,831**	**6,831**
SOCIAL SECURITY TAX	**14,555**	**14,555**	**14,555**	**14,555**
TOTAL BA-1	**334,504**	**342,715**	**342,715**	**342,715**
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL				
BASIC PAY	**480,101**	**480,101**	**480,101**	**480,101**
RETIRED PAY ACCRUAL	**101,302**	**101,302**	**101,302**	**101,302**
BASIC ALLOWANCE FOR HOUSING	**175,182**	**175,182**	**175,182**	**175,182**
SPECIAL PAYS	**53,841**	**93,284**	**93,284**	**93,284**
Hostile Fire Pay-Deferred from H.R. 2638		31,855	31,855	31,855
Hardship Duty Pay-Deferred from H.R. 2638		7,588	7,588	7,588
ALLOWANCES	**22,457**	**22,457**	**22,457**	**22,457**
SEPARATION PAY	**4,818**	**4,818**	**4,818**	**4,818**
SOCIAL SECURITY TAX	**36,728**	**36,728**	**36,728**	**36,728**
TOTAL BA-2	**874,429**	**913,872**	**913,872**	**913,872**
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL				
BASIC ALLOWANCE FOR SUBSISTENCE	**39,590**	**39,590**	**39,590**	**39,590**
SUBSISTENCE-IN-KIND	**69,864**	**69,864**	**69,864**	**69,864**
TOTAL BA-4	**109,454**	**109,454**	**109,454**	**109,454**
BA-5: PERMANENT CHANGE OF STATION TRAVEL				
OPERATIONAL TRAVEL	**5,790**	**5,790**	**5,790**	**5,790**
TOTAL BA-5	**5,790**	**5,790**	**5,790**	**5,790**
BA-6: OTHER MILITARY PERSONNEL COSTS				
UNEMPLOYMENT BENEFITS	**16,573**	**16,573**	**16,573**	**16,573**
SGLI EXTRA HAZARD PAYMENTS	**49,804**	**49,804**	**13,204**	**11,811**
Excess to Requirement			-36,600	-37,993
TOTAL BA-6	**66,377**	**66,377**	**29,777**	**28,384**
UNDISTRIBUTED ADJUSTMENT		**345,000**	**67,565**	**100,525**
Year of Execution/Rate Changes		345,000	67,565	100,525
Total Military Personnel, Air Force	**1,390,554**	**1,783,208**	**1,469,173**	**1,500,740**
Reserve Personnel, Army				
BA-1: UNIT AND INDIVIDUAL TRAINING				
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	**116,901**	**116,901**	**116,901**	**116,901**
SPECIAL TRAINING	**167,254**	**167,254**	**164,254**	**164,254**
Ready Response Reserve Units-Excess to Requirement			-3,000	-3,000
TOTAL BA-1	**284,155**	**284,155**	**281,155**	**281,155**
UNDISTRIBUTED ADJUSTMENT		**97,000**	**106,000**	**137,000**
Year of Execution/Rate Changes		97,000	39,000	70,000
Funds Requested in Legislative Provisions			67,000	67,000

	Budget Request	House	Senate	Conference
Total Reserve Personnel, Army	**284,155**	**381,155**	**387,155**	**418,155**
Reserve Personnel, Navy				
BA-1: UNIT AND INDIVIDUAL TRAINING				
SCHOOL TRAINING	**5,166**	**5,166**	**5,166**	**5,166**
SPECIAL TRAINING	**33,805**	**33,805**	**33,805**	**33,805**
ADMINISTRATION AND SUPPORT	**507**	**507**	**507**	**507**
TOTAL BA-1	**39,478**	**39,478**	**39,478**	**39,478**
Total Reserve Personnel, Navy	**39,478**	**39,478**	**39,478**	**39,478**
Reserve Personnel, Marine Corps				
BA-1: UNIT AND INDIVIDUAL TRAINING				
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	**8,662**	**8,662**	**8,662**	**8,662**
SPECIAL TRAINING	**20,517**	**20,517**	**20,517**	**20,517**
TOTAL BA-1	**29,179**	**29,179**	**29,179**	**29,179**
Total Reserve Personnel, Marine Corps	**29,179**	**29,179**	**29,179**	**29,179**
Reserve Personnel, Air Force				
BA-1: UNIT AND INDIVIDUAL TRAINING				
SPECIAL TRAINING	**16,943**	**16,943**	**14,943**	**14,943**
Underexecution of End Strength			-2,000	-2,000
TOTAL BA-1	**16,943**	**16,943**	**14,943**	**14,943**
Total Reserve Personnel, Air Force	**16,943**	**16,943**	**14,943**	**14,943**
National Guard Personnel, Army				
BA-1: UNIT AND INDIVIDUAL TRAINING				
PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	**538,586**	**487,726**	**538,586**	**538,586**
Grow the Army		-50,860		0
SPECIAL TRAINING	**330,947**	**330,947**	**330,947**	**330,947**
ADMINISTRATION AND SUPPORT	**569,800**	**116,600**	**504,800**	**481,200**
Enlistment Bonus-Excess to Requirement		-88,600		0
Enlistment Bonus-Anniversary Payments		-123,900		0
Enlistment Bonus-Residual Payments		-240,700		0
Recruiting and Reenlistment Bonuses-Excess to Requirement			-65,000	-88,600
TOTAL BA-1	**1,439,333**	**935,273**	**1,374,333**	**1,350,733**
UNDISTRIBUTED ADJUSTMENT		**438,000**	**168,000**	**425,000**
Year of Execution/Rate Changes		438,000	159,000	416,000
Funds Requested in Legislative Provisions			9,000	9,000
Total National Guard Personnel, Army	**1,439,333**	**1,373,273**	**1,542,333**	**1,775,733**

	Budget Request	House	Senate	Conference
National Guard Personnel, Air Force				
BA-1: UNIT AND INDIVIDUAL TRAINING				
SPECIAL TRAINING	**17,860**	**17,860**	**17,860**	**17,860**
TOTAL BA-1	**17,860**	**17,860**	**17,860**	**17,860**
UNDISTRIBUTED ADJUSTMENT		**83,500**	**29,000**	**27,140**
Year of Execution/Rate Changes		83,500	29,000	27,140
Total National Guard Personnel, Air Force	**17,860**	**101,360**	**46,860**	**45,000**

MILITARY PERSONNEL SHORTFALL

The conference agreement includes an additional $2,810,222,000 for identified shortfalls resulting from unbudgeted additional end strength, which were a result of better-than-projected recruiting and retention levels; recent rate increases in Basic Pay, Retired Pay Accrual, Basic Allowance for Housing, and Basic Allowance for Subsistence; and unanticipated programmatic adjustments such as increased clothing and education costs.

OPERATION AND MAINTENANCE

The conference agreement recommends $32,547,114,000 for operation and maintenance.

The recommendations for each operation and maintenance account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

O-1		Budget Request	House	Senate	Conference
Operation and Maintenance, Army					
135	**ADDITIONAL ACTIVITIES**	**13,024,499**	**12,740,961**	**12,838,899**	**12,681,761**
	Hire Iraqis to Perform Contract Services		-111,121		-111,121
	Hire Iraqis to Perform LOGCAP		-138,296		-138,296
	Subsistence Costs		-34,121	-25,000	-34,121
	Rapid Fielding Initiative Overstatement			-184,200	-184,200
	FY09 Stryker Requirements Based on SBCT to OEF			103,600	150,000
	Contractor Price Growth			-30,000	0
	Army Asymmetric Warfare Office--Baseline Budget Requirement			-50,000	-25,000
136	**COMMANDER'S EMERGENCY RESPONSE PROGRAM**	**453,000**	**453,000**	**453,000**	**453,000**
	TOTAL BA-1	**13,477,499**	**13,193,961**	**13,291,899**	**13,134,761**
421	**SERVICEWIDE TRANSPORTATION**	**50,197**	**246,282**	**50,197**	**50,197**
	Increased Cost of Route to Afghanistan		196,085		
9999	**OTHER PROGRAMS**	**591,705**	**584,460**	**591,705**	**584,460**
	Classified Adjustment		-7,245		-7,245
	TOTAL BA-4	**641,902**	**830,742**	**641,902**	**634,657**
Total Operation and Maintenance, Army		**14,119,401**	**14,024,703**	**13,933,801**	**13,769,418**
Operation and Maintenance, Navy					
1A1A	**MISSION AND OTHER FLIGHT OPERATIONS**	**574,597**	**562,720**	**577,097**	**562,720**
	Hire Iraqis to Perform Contract Services		-1,277		-1,277
	S-3 ISR Detachment		-10,600		-10,600
	Counter Piracy Expenses			2,500	0
1A2A	**FLEET AIR TRAINING**	**9,194**	**9,194**	**9,194**	**9,194**
1A3A	**AVIATION TECHNICAL DATA & ENGINEERING SERVICE**	**3,744**	**3,744**	**3,744**	**3,744**
1A4A	**AIR OPERATIONS AND SAFETY SUPPORT**	**6,992**	**6,992**	**6,992**	**6,992**
1A4N	**AIR SYSTEMS SUPPORT**	**16,722**	**14,157**	**16,722**	**14,157**
	Hire Iraqis to Perform Contract Services		-2,565		-2,565
1A5A	**AIRCRAFT DEPOT MAINTENANCE**	**53,317**	**53,317**	**53,317**	**53,317**
1B1B	**MISSION AND OTHER SHIP OPERATIONS**	**224,172**	**224,172**	**253,872**	**244,172**
	Counter Piracy Expenses			29,700	20,000
1B2B	**SHIP OPERATIONS SUPPORT & TRAINING**	**13,140**	**13,140**	**13,140**	**13,140**
1B4B	**SHIP DEPOT MAINTENANCE**	**155,123**	**155,123**	**345,123**	**320,123**
	Increase for Ship Repairs Due to Recent Incidents				165,000
	USS Port Royal Ship Repair and Related Damages			67,000	0
	USS Hartford Ship Repair			121,000	0
	USS New Orleans Ship Repair			2,000	0
1B5B	**SHIP DEPOT OPERATIONS SUPPORT**	**125**	**125**	**125**	**125**
1C1C	**COMBAT COMMUNICATIONS**	**7,196**	**7,196**	**7,196**	**7,196**
1C2C	**ELECTRONIC WARFARE**	**57,523**	**57,523**	**57,523**	**57,523**
1C4C	**WARFARE TACTICS**	**5,661**	**5,661**	**5,661**	**5,661**
1C5C	**OPERATIONAL METEOROLOGY AND OCEANOGRAPHY**	**5,953**	**5,953**	**5,953**	**5,953**
1C6C	**COMBAT SUPPORT FORCES**	**638,709**	**633,769**	**628,809**	**620,769**
	Hire Iraqis to Perform Contract Services		-4,940		-4,940
	Fleet Forces Command-NAVEUR-Africa Partership Station--Baseline Budget Requirement			-13,000	-13,000
	Counter Piracy Expenses			3,100	0
1C7C	**EQUIPMENT MAINTENANCE**	**108**	**108**	**108**	**108**
1CCH	**COMBATANT COMMANDERS CORE OPERATIONS**	**1,278**	**1,278**	**0**	**0**
	Technical Adjustment			-1,278	-1,278
1CCM	**COMBATANT COMMANDERS DIRECT MISSION**	**13,751**	**13,751**	**4,476**	**4,476**
	Technical Adjustment			-9,275	-9,275
1D3D	**IN-SERVICE WEAPONS SYSTEMS SUPPORT**	**23,995**	**23,995**	**23,995**	**23,995**
1D4D	**WEAPONS MAINTENANCE**	**64,188**	**64,188**	**64,188**	**64,188**

O-1		Budget Request	House	Senate	Conference
1D7D	OTHER WEAPON SYSTEMS SUPPORT	7,738	7,738	7,738	7,738
BSM1	SUSTAINMENT, RESTORATION AND MODERNIZATION	12,887	12,887	12,887	12,887
BSS1	BASE OPERATING SUPPORT	148,102	148,102	148,102	148,102
	TOTAL BA-1	2,044,215	2,024,833	2,245,962	2,186,280
2A1F	SHIP PREPOSITIONING AND SURGE	9,618	9,618	9,618	9,618
2C1H	FLEET HOSPITAL PROGRAM	1,514	1,514	1,514	1,514
2C3H	COAST GUARD SUPPORT	131,547	131,547	2,044	2,044
	Transfer to Department of Homeland Security			-129,503	-129,503
	TOTAL BA-2	142,679	142,679	13,176	13,176
3B1K	SPECIALIZED SKILL TRAINING	36,384	36,384	11,384	11,384
	Unjustifed Growth			-25,000	-25,000
	TOTAL BA-3	36,384	36,384	11,384	11,384
4A1M	ADMINISTRATION	1,257	1,257	1,257	1,257
4A2M	EXTERNAL RELATIONS	162	162	162	162
4A4M	MILITARY MANPOWER AND PERSONNEL	2,220	2,220	2,220	2,220
4A5M	OTHER PERSONNEL SUPPORT	851	851	851	851
4A6M	SERVICEWIDE COMMUNICATIONS	7,546	7,546	7,546	7,546
4B1N	SERVICEWIDE TRANSPORTATION	73,762	73,762	73,762	73,762
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	11,213	11,213	11,213	11,213
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	1,057	1,057	1,057	1,057
4C1P	NAVAL INVESTIGATIVE SERVICE	25,768	22,993	25,768	22,993
	CNO Nodal Analysis		-2,775		-2,775
9999	OTHER PROGRAMS	43,002	43,002	43,002	43,002
	TOTAL BA-4	166,838	164,063	166,838	164,063
	Historical Execution Adjustment			-100,000	-100,000
Total Operation and Maintenance, Navy		2,390,116	2,367,959	2,337,360	2,274,903
Operation and Maintenance, Marine Corps					
1A1A	OPERATIONAL FORCES	731,707	712,646	678,707	672,771
	Hire Iraqis to Perform Contract Services		-3,995		-3,995
	Intelligence Equipment Readiness		-1,941		-1,941
	Angel Fire		-13,125	-13,000	-13,000
	Unjustified Growth in Pre-Deployment Training			-40,000	-40,000
1A2A	FIELD LOGISTICS	120,593	120,593	120,593	120,593
1A3A	DEPOT MAINTENANCE	108,600	108,600	108,600	108,600
1B1B	MARITIME PREPOSITIONING	5,942	5,942	5,942	5,942
	TOTAL BA-1	966,842	947,781	913,842	907,906
3B4D	TRAINING SUPPORT	60,000	60,000	60,000	60,000
	TOTAL BA-3	60,000	60,000	60,000	60,000
4A3G	SERVICEWIDE TRANSPORTATION	64,000	76,300	64,000	66,460
	Increased Cost of Route to Afghanistan		12,300		2,460
	TOTAL BA-4	64,000	76,300	64,000	66,460
Total Operation and Maintenance, Marine Corps		1,090,842	1,084,081	1,037,842	1,034,366
Operation and Maintenance, Air Force					
011A	PRIMARY COMBAT FORCES	1,091,423	1,091,423	1,001,423	1,001,423
	Reduce Operating Support Growth To Be Consistent With Flying Hour Growth			-90,000	-90,000
011B	PRIMARY COMBAT WEAPONS	35,340	35,340	35,340	35,340

O-1		Budget Request	House	Senate	Conference
011C	COMBAT ENHANCEMENT FORCES	442,514	442,514	460,214	460,214
	Afghan ISR Infrastructure			2,200	2,200
	LEC PED (Project Liberty)			15,500	15,500
011D	AIR OPERATIONS TRAINING	41,984	41,984	41,984	41,984
011E	COMBAT COMMUNICATIONS	567,503	551,503	517,503	501,503
	Air Force DCGS		-16,000		-16,000
	Reduce Historical End of Year Spending			-50,000	-50,000
011M	DEPOT MAINTENANCE	457,219	457,219	457,219	457,219
011Z	BASE SUPPORT	633,119	583,091	583,119	583,119
	Unjustified Growth		-50,028		
	Reduce Historical End of Year Spending			-50,000	-50,000
012A	GLOBAL C3I AND EARLY WARNING	116,948	116,948	116,948	116,948
012B	NAVIGATION/WEATHER SUPPORT	9,784	9,784	9,784	9,784
012C	OTHER COMBAT OPS SPT PROGRAMS	252,481	252,481	252,481	252,481
012E	MANAGEMENT/OPERATIONAL HQ	133,718	130,149	83,718	105,149
	Hire Iraqis to Perform Contract Services		-3,569		-3,569
	Operation Earnest Voice			-50,000	-25,000
012F	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	881	881	881	881
013A	LAUNCH FACILITIES	5,700	5,700	5,700	5,700
013B	LAUNCH VEHICLESs	40	40	40	40
013C	SPACE CONTROL SYSTEMS	4,407	4,407	4,407	4,407
013D	SATELILITE SYSTEMS	1,602	1,602	1,602	1,602
013E	OTHER SPACE OPERATIONS	24,502	24,502	24,502	24,502
013R	SUSTAINMENT, RESTORATION AND MODERNIZATION	4,989	4,989	4,989	4,989
013Z	BASE SUPPORT	14,509	14,509	14,509	14,509
	TOTAL BA-1	3,838,663	3,769,066	3,616,363	3,621,794
021A	AIRLIFT OPERATIONS	1,514,035	1,514,035	1,514,035	1,514,035
021B	AIRLIFT OPERATIONS C3I	37,755	37,755	37,755	37,755
021D	MOBILIZATION PREPAREDNESS	115,681	115,681	115,681	115,681
021M	DEPOT MAINTENANCE	65,329	65,329	65,329	65,329
021R	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,164	1,164	1,164	1,164
021Z	BASE SUPPORT	5,504	5,504	5,504	5,504
	TOTAL BA-2	1,739,468	1,739,468	1,739,468	1,739,468
031B	RECRUIT TRAINING	2,748	2,748	2,748	2,748
031Z	BASE SUPPORT	683	683	683	683
032A	SPECIALIZED SKILL TRAINING	1,036	1,036	1,036	1,036
032B	FLIGHT TRAINING	141	141	141	141
032C	PROFESSIONAL DEVELOPMENT EDUCATION	1,155	1,155	1,155	1,155
032D	TRAINING SUPPORT	660	660	660	660
032R	SUSTAINMENT, RESTORATION AND MODERNIZATION	106	106	106	106
032Z	BASE SUPPORT	5,164	5,164	5,164	5,164
	TOTAL BA-3	11,693	11,693	11,693	11,693
041A	LOGISTICS OPERATIONS	226,025	226,025	226,025	226,025
041B	TECHNICAL SUPPORT ACTIVITIES	18,958	18,958	18,958	18,958
041C	SERVICEWIDE TRANSPORTATION	133,824	150,655	133,824	137,190
	Increased Cost of Route to Afghanistan		16,831		3,366
041Z	BASE SUPPORT	23,100	23,100	23,100	23,100
042A	ADMINISTRATION	4,532	4,532	4,532	4,532
042B	SERVICEWIDE COMMUNICATIONS	51,912	51,912	51,912	51,912
042C	PERSONNEL PROGRAM	775	775	775	775
042G	OTHER SERVICEWIDE ACTIVITIES	75,482	75,482	4,876	4,876
	Removal of One Time FY 08 Cost for GeoBase Maintenance Contract			-70,606	-70,606

O-1		Budget Request	House	Senate	Conference
042H	OTHER PERSONNEL SUPPORT	2,630	2,630	2,630	2,630
042Z	BASE SUPPORT	7,890	7,890	7,890	7,890
043A	Security Programs	152,283	127,747	143,283	122,747
	Classified Adjustment		-24,536	-9,000	-29,536
044A	INTERNATIONAL SUPPORT	6,796	6,796	6,796	6,796
	TOTAL BA-4	704,207	696,502	624,601	607,431
Total Operation and Maintenance, Air Force		**6,294,031**	**6,216,729**	**5,992,125**	**5,980,386**
Operation and Maintenance, Defense-Wide					
	JOINT CHIEFS OF STAFF	25,000	10,000	12,500	12,500
	Combatant Commander's Initiative Fund Program		-15,000	-12,500	-12,500
	SPECIAL OPERATIONS COMMAND	1,448,401	1,448,401	1,408,401	1,448,401
	Strategic Communications			-40,000	0
	DEFENSE MEDIA ACTIVITY	11,185	11,185	11,185	11,185
	DEFENSE CONTRACT AUDITING AGENCY	7,600	7,600	7,600	7,600
	DEFENSE CONTRACT MANAGEMENT AGENCY	15,000	15,000	15,000	15,000
	DEFENSE HUMAN RESOURCES ACTIVITY	7,300	7,300	7,300	7,300
	DEFENSE INFORMATION SYSTEMS AGENCY	118,705	118,705	118,705	118,705
	DEFENSE LEGAL SERVICES AGENCY	82,626	58,600	82,626	82,626
	Office of Military Commissions		-24,026		0
	DEPARTMENT OF DEFENSE EDUCATION AGENCY	682,740	807,840	682,740	776,740
	Family Advocacy Program		125,100		94,000
	DEFENSE SECURITY COOPERATION AGENCY	1,430,000	1,040,000	1,200,000	1,150,000
	Coalition Support Funds	1,050,000	-240,000		-50,000
	Lift and Sustain	350,000	-150,000	-200,000	-200,000
	Manas Air Base Radar -- Transfer to Department of State	30,000		-30,000	-30,000
	DEFENSE THREAT REDUCTION AGENCY	15,200	15,200	6,700	6,700
	OFFICE OF THE SECRETARY OF DEFENSE	96,472	96,472	96,472	96,472
	NATIONAL GUARD BORDER SECURITY	350,000	350,000	0	0
	OTHER PROGRAMS	1,377,254	1,367,398	1,366,554	1,368,467
	Classified Adjustment		-9,856	-10,700	-8,787
Total Operation and Maintenance, Defense-Wide		**5,667,483**	**5,353,701**	**5,065,783**	**5,101,696**
Operation and Maintenance, Army Reserve					
113	ECHELONS ABOVE BRIGADE	7,831	7,831	7,831	7,831
121	FORCE READINESS OPERATIONS SUPPORT	27,200	13,500	27,200	27,200
	Tuition Assistance		-13,700		0
122	LAND FORCES SYSTEMS READINESS	29,600	29,600	29,600	29,600
131	BASE OPERATIONS SUPPORT	46,286	46,286	41,286	41,286
	Other Personnel Support Projected Execution			-5,000	-5,000
	TOTAL BA-1	110,917	97,217	105,917	105,917
434	RECRUITING AND ADVERTISING	4,100	4,100	4,100	4,100
	TOTAL BA-4	4,100	4,100	4,100	4,100
Total Operation and Maintenance, Army Reserve		**115,017**	**101,317**	**110,017**	**110,017**
Operation and Maintenance, Navy Reserve					
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	9,769	9,769	9,769	9,769
1A3A	INTERMEDIATE MAINTENANCE	21	21	21	21
1A5A	AIRCRAFT DEPOT MAINTENANCE	2,329	2,329	2,329	2,329
1B1B	MISSION AND OTHER SHIP OPERATIONS	1,251		1,251	1,251
	Unjustified Fuel Cost Increase		-1,251		0

O-1		Budget Request	House	Senate	Conference
1C1C	COMBAT COMMUNICATIONS	1,460	1,460	1,460	1,460
1C6C	COMBAT SUPPORT FORCES	8,830	8,830	8,830	8,830
BSSR	BASE OPERATING SUPPORT	1,909	1,909	1,909	1,909
	TOTAL BA-1	25,569	24,318	25,569	25,569
Total Operation and Maintenance, Navy Reserve		25,569	24,318	25,569	25,569
Operation and Maintenance, Marine Corps Reserve					
1A1A	OPERATING FORCES	30,775	30,775	30,775	30,775
	TOTAL BA-1	30,775	30,775	30,775	30,775
Total Operation and Maintenance, Marine Corps Reserve		30,775	30,775	30,775	30,775
Operation and Maintenance, Air Force Reserve					
011A	PRIMARY COMBAT FORCES	7,424	7,424	20,424	20,424
	Flying Hours			20,000	20,000
	Operating Support Projected Execution			-7,000	-7,000
011G	MISSION SUPPORT OPERATIONS	27,175	27,175	14,175	14,175
	Individual Medical Readiness Projected Execution			-13,000	-13,000
	TOTAL BA-1	34,599	34,599	34,599	34,599
Total Operation and Maintenance, Air Force Reserve		34,599	34,599	34,599	34,599
Operation and Maintenance, Army National Guard					
111	MANEUVER UNITS	48,172	48,172	48,172	48,172
116	AVIATION ASSETS	58,367	58,367	58,367	58,367
131	BASE OPERATIONS SUPPORT	22,000	22,000	22,000	22,000
135	ADDITIONAL ACTIVITIES	74,860	49,907	74,860	49,907
	Unjustified Growth for Acceleration of Grow the Army		-24,953		-24,953
	TOTAL BA-1	203,399	178,446	203,399	178,446
Total Operation and Maintenance, Army National Guard		203,399	178,446	203,399	178,446
Iraq Freedom Fund					
	Transportation of Fallen Heroes -- transfer to Transportation Working Capital Fund	15,000	15,000		0
	Disposition of Guantanamo Detainees -- unspecified increase	50,000			0
	Joint Rapid Acquisition Cell -- transfer to Procurement and RDT&E accounts	350,000	350,000		0
Total Iraq Freedom Fund		415,000	365,000	0	0
Iraq Security Forces Fund		0	0	1,000,000	0
Afghanistan Security Forces Fund					
	Infrastructure	437,035		437,035	437,035
	Equipment and Transportation	1,248,484		1,248,484	1,248,484
	Training and Operations	130,634		130,634	130,634
	Sustainment	765,698		765,698	765,698
	Subtotal, Afghan National Army	2,581,851		2,581,851	2,581,851
	Infrastructure	253,575		253,575	253,575
	Equipment and Transportation	35,225		35,225	35,225

O-1	Budget Request	House	Senate	Conference
Training and Operations	312,067		312,067	312,067
Sustainment	381,045		381,045	381,045
Subtotal, Afghan National Police	981,912		981,912	981,912
Detainee Operations -- Training and Operations	2,116		2,116	2,116
COIN Activities	41,060		41,060	41,060
Subtotal, Related Activities	43,176		43,176	43,176
Total Afghanistan Security Forces Fund	3,606,939	3,606,939	3,606,939	3,606,939
Pakistan Counterinsurgency Fund				
Equipment and Transportation	322,377		322,377	322,377
Training and Operations	12,150		12,150	12,150
Subtotal, Defense Security Forces	334,527		334,527	334,527
Infrastructure	12,000		12,000	12,000
Equipment and Transportation	43,373		43,373	43,373
Training and Operations	8,100		8,100	8,100
Subtotal, Frontier Corps	63,473		63,473	63,473
Humanitarian Assistance	2,000		2,000	2,000
Total Pakistan Counterinsurgency Fund	400,000	400,000	400,000	400,000

PAKISTAN COUNTERINSURGENCY FUND

The conferees support the Administration's efforts to increase the counterinsurgency capability of the Pakistani security forces. The conferees believe that international military operations against al-Qaeda and the Taliban in Afghanistan cannot succeed without a strong counterinsurgency effort by security forces in Pakistan. However, the conferees are concerned about providing the Department of Defense with the authority and funding to conduct an assistance program which would traditionally fall under the purview of the Department of State. The conferees believe the Pakistan Counterinsurgency Fund (PCF) should reside within the Department of State but understand the near term needs of the Pakistan Security Forces and the lack of capacity within the State Department warrant an exception to traditional lines of authority. Therefore, the conferees support the Administration's request for this fund under the Department of Defense, but direct the Secretary of Defense and the Secretary of State to jointly develop a plan for transitioning the PCF from the Department of Defense to the Department of State by fiscal year 2010 and to be fully executed by the Department of State by fiscal year 2011. The plan should identify the resources, personnel, and authorities required to facilitate the transfer to the State Department, as well as goals and objectives for the successful completion of this program. In addition, the Secretary of Defense is directed to follow the same reporting requirements that Congress has required for the Afghanistan and Iraq Security Forces Funds as outlined in section 317 of this Act.

The conferees believe civil-military operations are a key component of successful counterinsurgency efforts. However, the conferees do not support the creation of a Commander's Emergency Response Program (CERP) or similar program for Pakistan, and have neither authorized nor provided funding for such a program anywhere in this Act. The conference agreement has made available $2,000,000 from the Pakistan Counterinsurgency Fund to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises carried out with Pakistan's security forces through this fund. Finally, the conferees direct the Department to work with the Government of Pakistan to establish a funding mechanism beginning in fiscal year 2010, using Pakistani funds, which can be applied to humanitarian needs in support of counterinsurgency operations conducted inside of Pakistan.

FAMILY ADVOCACY PROGRAM

The conference agreement provides $708,842,000 for family advocacy programs to provide counseling and family assistance including child psychologists, and other intervention efforts which is $94,000,000 above the request in order to enhance the activities of the Family Advocacy Program and provide for children and families managing the difficult challenges of military service. The funding is provided for, but not limited to, child care, counseling, spouse certification and licensure, and Joint Family Assistance Centers. Funding is also available for the Warrior Family Community Partnership to provide assistance to all soldiers and families.

COMBAT UNIFORMS

The conferees understand that soldiers deployed to Afghanistan have serious concerns about the current combat uniform which they indicate provides ineffective camouflage given the environment in Afghanistan. Accordingly, the conferees direct that within funding made

available the Department of Defense take immediate action to provide combat uniforms to personnel deployed to Afghanistan with a camouflage pattern that is suited to the environment of Afghanistan. The conferees further direct the Secretary of the Army to provide a report on the program plans and budgetary adjustments necessary to provide appropriate uniforms to deployed and deploying troops to Afghanistan. The report shall be submitted to the congressional defense committees by the end of fiscal year 2009.

PROCUREMENT

The conference agreement recommends $25,846,718,000 for procurement.

The recommendations for each procurement account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

		Budget Request	House	Senate	Conference
Aircraft Procurement, Army					
6	**UH-60 BLACKHAWK (MYP)**	**81,400**	**81,400**	**48,840**	**48,840**
	Battle losses only (2 UH-60, 1HH-60)			-32,560	-32,560
8	**CH-47 HELICOPTER (MYP)**	**120,000**	**210,000**	**60,000**	**150,000**
	Provides funding for one additional CH-47 aircraft for expanded aviation requirements in Overseas Contingency Operations		90,000		30,000
	Battle losses only			-60,000	0
18	**GUARDRAIL MODS (MIP)**	**39,700**	**39,700**	**39,700**	**39,700**
20	**AH-64 MODS**	**354,360**	**787,060**	**0**	**787,060**
	Provides funding for conversion of one Army National Guard AH-64A battalion from A to D model aircraft		432,700		432,700
	No battle losses			-354,360	0
22	**CH-47 CARGO HELICOPTER MODS (MYP)**	**9,760**	**9,760**	**9,760**	**9,760**
32	**ASE INFRARED COUNTERMEASURES**	**132,800**	**132,800**	**132,800**	**132,800**
35	**AIRCREW INTEGRATED SYSTEMS**	**3,584**	**3,584**	**3,584**	**3,584**
36	**AIR TRAFFIC CONTROL**	**21,000**	**21,000**	**0**	**0**
	Transfer for execution			-21,000	-21,000
37	**AIRBORNE COMMUNICATIONS**			**21,000**	**21,000**
	Transfer for execution			21,000	21,000
Total Aircraft Procurement, Army		**762,604**	**1,285,304**	**315,684**	**1,192,744**
Missile Procurement, Army					
5	**HELLFIRE SYSTEM SUMMARY**	**228,430**	**208,430**	**207,430**	**207,430**
	Aligns production scheduling and capacity		-20,000		0
	Unit cost adjustment to procure 2,603 missiles			-21,000	-21,000
6	**JAVELIN (AAWS-M) SYSTEM SUMMARY**	**119,327**	**99,327**	**117,327**	**109,327**
	Aligns production scheduling and capacity		-20,000		-8,000
	Unit cost adjustment to procure 924 AURs			-2,000	-2,000
7	**TOW 2 SYSTEM SUMMARY**	**349,684**	**299,684**	**342,584**	**317,584**
	Aligns production scheduling and capacity		-50,000		-25,000
	Revised program management administration costs			-7,100	-7,100
8	**GUIDED MLRS ROCKET (GMLRS)**	**69,700**	**69,700**	**69,700**	**69,700**
Total Missile Procurement, Army		**767,141**	**677,141**	**737,041**	**704,041**
Procurement of Weapons and Tracked Combat Vehicles (W&TCV), Army					
4	**STRYKER VEHICLE**	**112,734**	**451,134**	**112,734**	**312,734**
	Provides funding to procure additional Stryker vehicles		338,400		200,000
10	**BRADLEY PROGRAM (MOD)**	**541,000**	**784,600**	**541,000**	**784,600**
	Provides funding in support of Bradley Fighting Vehicle Reset requirements		243,600		243,600
12	**IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)**	**236,800**	**236,800**	**0**	**121,800**
	Excess to combat loss/reset requirement			-236,800	-115,000
15	**M1 ABRAMS TANK (MOD)**	**378,000**	**346,500**	**378,000**	**362,500**
	Aligns funding with Overseas Contingency Operations Requirements		-31,500		-15,500
16	**ABRAMS UPGRADE PROGRAM**	**100,000**	**100,000**	**100,000**	**100,000**
20	**M240 MEDIUM MACHINE GUN (7.62MM)**	**22,837**	**22,837**	**22,837**	**22,837**
31	**COMMON REMOTELY OPERATED WEAPONS STATION (CROWS)**	**279,500**	**279,500**	**279,500**	**279,500**

		Budget Request	House	Senate	Conference
36	M2 50 CAL MACHINE GUN MODS	12,500	12,500	0	0
	Funded ahead of need			-12,500	-12,500
Total Procurement of W&TCV, Army		**1,683,371**	**2,233,871**	**1,434,071**	**1,983,971**
Procurement of Ammunition, Army					
1	CTG, 5.56MM, ALL TYPES	3,000	3,000	3,000	3,000
2	CTG, 7.62MM, ALL TYPES	8,600	8,600	8,600	8,600
4	CTG, .50 CAL, ALL TYPES	56,600	56,600	56,600	56,600
6	CTG, 30MM, ALL TYPES	10,000	10,000	10,000	10,000
7	CTG, 40MM, ALL TYPES	25,750	25,750	25,750	25,750
16	PROJ 155MM EXTENDED RANGE XM982	35,000	35,000	35,000	35,000
17	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL TYPES	20,000	20,000	20,000	20,000
23	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	20,000	20,000	20,000	20,000
24	ROCKET, HYDRA 70, ALL TYPES	26,000	26,000	26,000	26,000
25	DEMOLITION MUNITIONS, ALL TYPES	525	525	525	525
26	GRENADES, ALL TYPES	10,000	10,000	10,000	10,000
28	SIMULATORS, ALL TYPES	3,000	3,000	3,000	3,000
30	NON-LETHAL AMMUNITION, ALL TYPES	1,800	1,800	1,800	1,800
39	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL TYPES	9,800	9,800	9,800	9,800
Total Procurement of Ammunition, Army		**230,075**	**230,075**	**230,075**	**230,075**
Other Procurement, Army					
1	TACTICAL TRAILERS/DOLLY SETS	107,426	107,426	107,426	107,426
2	SEMITRAILERS, FLATBED:	60,686	60,686	0	0
	Excess to combat loss/reset requirement			-60,686	-60,686
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)	842,456	842,456	680,056	680,056
	Excess to combat loss/reset requirement			-162,400	-162,400
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	574,121	574,121	188,100	188,100
	Excess to combat loss/reset requirement			-386,021	-386,021
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	967,221	967,221	967,221	967,221
9	ARMORED SECURITY VEHICLES (ASV)	137,583	137,583	137,583	137,583
10	MINE PROTECTION VEHICLE FAMILY	704,956	704,956	704,956	704,956
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	5,548	5,548	5,548	5,548
13	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERVICE PROGRAM	351,296	351,296	351,296	351,296
14	HMMWV RECAPITALIZATION PROGRAM	119,781	119,781	119,781	119,781
15	MODIFICATION OF IN SERVICE EQUIPMENT	441,000	441,000	321,000	441,000
	Reduce funding for ASV retrofit enhancement			-120,000	0
18	HEAVY ARMORED SEDAN	1,700	1,700	1,700	1,700
19	PASSENGER CARRYING VEHICLES	8,350	8,350	8,350	8,350
20	NONTACTICAL VEHICLES, OTHER	50	50	50	50
23	WIN-T - GROUND FORCES TACTICAL NETWORK	400,590	400,590	141,290	141,290
	Reduce funding for Increment 1			-259,300	-259,300
28	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	5,800	5,800	5,800	5,800
31	GLOBAL BRDCST SVC - GBS	2,400	2,400	2,400	2,400
35	SINCGARS - GROUND	100,000	0	100,000	50,000
	Funding ahead of need		-100,000		-50,000
47	RADIO, IMPROVED HF (COTS) FAMILY	170,700	170,700	170,700	170,700
50	TSEC - ARMY KEY MGT SYS (AKMS)	140	140	140	140
51	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	110,332	110,332	110,332	110,332

		Budget Request	House	Senate	Conference
55	WORLD WIDE TECHNICAL CONTROL IMPROVEMENT PROGRAM	298,400	298,400	298,400	298,400
56	INFORMATION SYSTEMS	100,120	100,120	100,120	100,120
62	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)	21,200	21,200	21,200	21,200
65	TACTICAL UNMANNED AERIAL SYS (TUAS) (MIP)	236,780	316,780	316,780	316,780
	Provides funding for one Quick Reaction Capability		80,000		0
	Fund multi-band receivers			80,000	80,000
66	SMALL UNMANNED AERIAL SYSTEM (SUAS)	27,547	27,547	27,547	27,547
72	TROJAN (MIP)	24,700	24,700	24,700	24,700
73	MOD OF IN-SVC EQUIP (INTEL SUPPORT)			3,250	3,250
	Fund acoustic UGS sensors			3,250	3,250
75	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	19,687	0	19,687	0
	Requirement being met with available funding		-19,687		-19,687
77	LIGHTWEIGHT COUNTER MORTAR RADAR	34,500	25,900	34,500	25,900
	Adjusted requirement		-8,600		-8,600
78	WARLOCK	354,500	354,500	354,500	354,500
79	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	169,799	169,619	169,799	169,619
	Classified adjustment		-180		-180
83	NIGHT VISION DEVICES	82,500	82,500	82,500	101,500
	Transfer from Research, Development, Test and Evaluation, Army, Line 93, Heterogeneous Airborne Reconnaissance Team, for execution				19,000
88	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	157,700	157,700	157,700	157,700
89	BASE EXPEDITIONARY TARGETING AND SURVEILLANCE SYSTEM	280,500	280,500	280,500	280,500
90	ARTILLERY ACCURACY EQUIPMENT	4,500	4,500	4,500	4,500
93	PROFILER	1,600	1,600	1,600	1,600
94	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	11,053	11,053	11,053	11,053
95	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	135,000	135,000	135,000	135,000
104	FIRE SUPPORT C2 FAMILY	10,800	10,800	10,800	10,800
107	AIR & MSL DEFENSE PLANNING & CONTROL SYSTEM (AMD PCS)	3,932	3,932	3,932	3,932
108	KNIGHT FAMILY	54,000	54,000	54,000	54,000
110	AUTOMATIC IDENTIFICATION TECHNOLOGY	3,000	3,000	3,000	3,000
111	TC AIMS II	1,000	0	0	0
	Reduced requirement		-1,000		0
	Delete funds for baseline need			-1,000	-1,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	4,900	0	4,900	0
	Fielding delayed		-4,900		-4,900
118	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	18,000	18,000	18,000	18,000
121	AUTOMATED DATA PROCESSING EQUIP	72,856	51,700	0	0
	Funding provided supports Overseas Contingency Operations requirements		-21,156		0
	Delete funds for baseline need			-72,856	-72,856
122	CSS COMMUNICATIONS	48,254	41,554	48,254	41,554
	Reduced requirement		-6,700		-6,700
123	OTHER PROGRAMS	573	573	573	573
133	TACTICAL BRIDGING	96,000	96,000	96,000	96,000
136	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)	146,240	146,240	146,240	146,240
137	EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	700	700	700	700
141	LAUNDRIES, SHOWERS AND LATRINES	2,200	2,200	2,200	2,200
142	LAND WARRIOR	700	700	700	700

		Budget Request	House	Senate	Conference
149	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	8,700	8,700	8,700	8,700
151	ITEMS LESS THAN $5M (ENG SPT)	5,929	5,929	5,929	5,929
153	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,600	4,600	4,600	4,600
155	COMBAT SUPPORT MEDICAL	2,934	2,934	2,934	2,934
156	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	2,689	2,689	2,689	2,689
158	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	7,514	7,514	0	5,014
	Delete funds for baseline need			-7,514	-2,500
163	LOADERS	21,650	21,650	0	10,650
	Delete funds for baseline need			-21,650	-11,000
165	TRACTOR, FULL TRACKED	13,088	13,088	13,088	13,088
168	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FAMILY OF SYSTEMS	27,250	27,250	0	0
	Delete funds for baseline need			-27,250	-27,250
174	GENERATORS AND ASSOCIATED EQUIP	17,000	17,000	17,000	17,000
175	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	20,200	40,200	20,100	20,100
	Transfer from All Terrain Lifting Army System		20,000	20,000	20,000
	Delete funds for baseline need			-20,100	-20,100
176	ALL TERRAIN LIFTING ARMY SYSTEM	21,000	1,000	1,000	1,000
	Transfer to Rough Terrain Container Handler		-20,000	-20,000	-20,000
177	COMBAT TRAINING CENTERS SUPPORT	40,700	40,700	0	20,000
	Delete funds for baseline need			-40,700	-20,700
178	TRAINING DEVICES, NONSYSTEM	22,741	22,741	22,741	22,741
185	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	305,200	305,200	309,000	309,000
	Additional Persistent Threat Detection Systems			15,900	15,900
	Unjustified Request			-12,100	-12,100
186	PHYSICAL SECURITY SYSTEMS (OPA3)	25,000	25,000	25,000	25,000
190	BUILDING, PRE-FAB, RELOCATABLE	40,000	40,000	40,000	40,000
Total Other Procurement, Army		**8,121,572**	**8,039,349**	**7,029,145**	**7,113,742**
Aircraft Procurement, Navy					
10	UH-1Y/AH-1Z	102,400	277,400	102,400	202,400
	Procure four additional combat loss replacement aircraft		175,000		100,000
12	MH-60S (MYP)	46,100	46,100	46,100	46,100
32	AV-8 SERIES	40,580	40,580	40,580	40,580
33	F-18 SERIES	32,834	26,434	32,834	26,434
	Excessive IDECM delivery time		-6,400		-6,400
34	H-46 SERIES	18,300	18,300	9,500	9,500
	Delete titanium nitride funding, baseline item			-8,800	-8,800
36	H-53 SERIES	16,920	16,920	10,620	10,620
	Delete kapton harness funding, baseline item			-6,300	-6,300
XX	P-3 SERIES		100,000	246,400	50,200
50	SPECIAL PROJECT AIRCRAFT	84,645	0	84,645	84,645
	Excessive delivery time		-84,645		
55	COMMON ECM EQUIPMENT	163,390	163,390	163,390	163,390
59	V-22 (TILT/ROTOR ACFT) OSPREY	1,830	0	1,830	0
	Non-emergency modification		-1,830		-1,830
60	SPARES AND REPAIR PARTS	16,000	2,800	16,000	2,800
	Excess initial spares funding		-13,200		-13,200
61	COMMON GROUND EQUIPMENT	78,000	0	0	0
	Non-emergency trainer procurement		-78,000	-78,000	-78,000
Total Aircraft Procurement, Navy		**600,999**	**691,924**	**754,299**	**636,669**

		Budget Request	House	Senate	Conference
Weapons Procurement, Navy					
10	**HELLFIRE**	27,500	27,500	25,300	25,300
	Unit cost adjustment			-2,200	-2,200
28	**FIRST DESTINATION TRANSPORTATION**	1,905	0	1,905	0
	Excess funding		-1,905		-1,905
29	**SMALL ARMS AND WEAPONS**	4,198	4,198	4,198	4,198
36	**MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM**	65,937	0	0	0
	Aligns Shadow UAV TDCL upgrade with Army plan		-65,937		-65,937
	Program Delay			-65,937	0
Total Weapons Procurement, Navy		99,540	31,698	31,403	29,498
Procurement of Ammo, Navy & Marine Corps					
1	**GENERAL PURPOSE BOMBS**	30,359	30,359	30,359	30,359
3	**AIRBORNE ROCKETS, ALL TYPES**	24,899	24,899	24,899	24,899
7	**AIR EXPENDABLE COUNTERMEASURES**	16,200	16,200	16,200	16,200
11	**OTHER SHIP GUN AMMUNITION**	907	907	907	907
12	**SMALL ARMS & LANDING PARTY AMMO**	1,205	1,205	1,205	1,205
13	**PYROTECHNIC AND DEMOLITION**	351	351	351	351
15	**SMALL ARMS AMMUNITION**	34,902	34,902	34,902	34,902
16	**LINEAR CHARGES, ALL TYPES**	12,819	12,819	12,819	12,819
17	**40 MM, ALL TYPES**	25,129	25,129	25,129	25,129
18	**60MM, ALL TYPES**	20,197	20,197	20,197	20,197
19	**81MM, ALL TYPES**	42,275	42,275	42,275	42,275
20	**120MM, ALL TYPES**	34,310	34,310	34,310	34,310
22	**GRENADES, ALL TYPES**	16,066	16,066	16,066	16,066
23	**ROCKETS, ALL TYPES**	5,380	5,380	5,380	5,380
24	**ARTILLERY, ALL TYPES**	63,752	63,752	63,752	63,752
26	**DEMOLITION MUNITIONS, ALL TYPES**	13,533	13,533	13,533	13,533
27	**FUZE, ALL TYPES**	4,477	4,477	4,477	4,477
28	**NON LETHALS**	2,158	2,158	2,158	2,158
Total Procurement of Ammo, Navy & Marine Corps		348,919	348,919	348,919	348,919
Other Procurement, Navy					
40	**SURTASS**	2,500	0	0	0
	Non-emergency modification		-2,500		-2,500
	Change to requirement			-2,500	0
43	**SHIPBOARD IW EXPLOIT**	14,400	14,400	14,400	14,400
56	**MATCALS**	59,243	0	33,598	33,598
	Non-emergency modification/Grow the Force		-59,243		0
	Grow the Force initiative - baseline requirement			-25,645	-25,645
66	**GCCS-M EQUIPMENT TACTICAL/MOBILE**	7,350	7,350	7,350	7,350
67	**COMMON IMAGERY GROUND SURFACE SYSTEMS**	24,518	0	3,518	0
	Non-emergency TES upgrades		-24,518		-24,518
	Change to requirement			-21,000	0
76	**SHIP COMMUNICATIONS AUTOMATION**	7,600	6,350	7,600	6,350
	Excessive growth		-1,250		-1,250
116	**EXPLOSIVE ORDNANCE DISPOSAL EQUIP**	29,460	29,460	29,460	29,460
123	**CONSTRUCTION & MAINTENANCE EQUIP**	33,000	33,000	33,000	33,000
125	**TACTICAL VEHICLES**	1,823	1,823	1,823	1,823
135	**COMMAND SUPPORT EQUIPMENT**	13,482	13,482	13,482	13,482
140	**OPERATING FORCES SUPPORT EQUIPMENT**	5,220	0	5,220	0

		Budget Request	House	Senate	Conference
	Non-emergency equipment		-5,220		-5,220
141	C4ISR EQUIPMENT	3,000	3,000	3,000	3,000
143	PHYSICAL SECURITY EQUIPMENT	63,230	63,230	54,730	54,730
	Change to requirement - biometric device			-8,500	-8,500
Total Other Procurement, Navy		**264,826**	**172,095**	**207,181**	**197,193**
Procurement, Marine Corps					
1	AAV7A1 PIP	37	37	37	37
4	LAV PIP	158,590	158,590	158,590	158,590
8	155MM LIGHTWEIGHT TOWED HOWITZER	69,000	69,000	303,000	186,000
	Unfunded requirement			234,000	117,000
9	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	34,830	34,830	34,830	34,830
10	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	10,829	10,829	10,829	10,829
11	MODULAR WEAPON SYSTEM	1,739	1,739	1,739	1,739
12	MODIFICATION KITS	83,894	83,894	83,894	83,894
13	WEAPONS ENHANCEMENT PROGRAM	32,461	32,461	9,461	9,461
	Excess funding on hand			-23,000	-23,000
15	JAVELIN	35,548	35,548	35,548	35,548
18	MODIFICATION KITS	62,698	62,698	62,698	62,698
19	UNIT OPERATIONS CENTER	29,334	29,334	82,534	82,534
	OEF UUNS			53,200	53,200
20	REPAIR AND TEST EQUIPMENT	46,145	46,145	46,145	46,145
21	COMBAT SUPPORT SYSTEM	1,648	1,648	1,648	1,648
23	ITEMS UNDER $5 MILLION (COMM & ELEC)	2,282	2,282	2,282	2,282
24	AIR OPERATIONS C2 SYSTEMS	1,064	1,064	1,064	1,064
25	RADAR SYSTEMS	19,520	19,520	19,520	19,520
26	FIRE SUPPORT SYSTEM	3,005	3,005	3,005	3,005
27	INTELLIGENCE SUPPORT EQUIPMENT	68,770	68,770	68,770	68,770
30	NIGHT VISION EQUIPMENT	48,883	48,883	28,883	28,883
	Contract cost savings			-20,000	-20,000
31	COMMON COMPUTER RESOURCES	58,903	42,703	43,903	42,703
	Reduction of account for base bill items		-16,200		-16,200
	Execution delays			-15,000	0
32	COMMAND POST SYSTEMS	14,517	14,517	14,517	14,517
XX	COMM & ELECT INFRASTRUCTURE SUPPORT			2,250	2,250
	RDA Leave behind-acoustics UGS			2,250	2,250
33	RADIO SYSTEMS	45,675	45,675	0	0
	Execution delays			-45,675	-45,675
34	COMM SWITCHING & CONTROL SYSTEMS	16,400	16,400	24,400	22,400
	Unfunded requirement			8,000	6,000
38	5/4T TRUCK HMMWV (MYP)	153,180	153,180	103,180	103,180
	Non-combat losses			-50,000	-50,000
39	MOTOR TRANSPORT MODIFICATIONS	15,855	15,855	45,855	38,355
	Lightweight Mine Rollers			30,000	22,500
40	MEDIUM TACTICAL VEHICLE REPLACEMENT	29,891	29,891	29,891	29,891
41	LOGISTICS VEHICLE SYSTEM REP	23,814	23,814	0	0
	Program adjustment			-23,814	-23,814
42	FAMILY OF TACTICAL TRAILERS	4,060	4,060	4,060	4,060
44	ITEMS LESS THAN $5 MILLION	1,389	1,389	1,389	1,389
45	ENVIRONMENTAL CONTROL EQUIP ASSORT	4,619	4,619	4,619	4,619
46	BULK LIQUID EQUIPMENT	3,962	3,962	3,962	3,962
47	TACTICAL FUEL SYSTEMS	11,436	11,436	11,436	11,436
48	POWER EQUIPMENT ASSORTED	25,377	25,377	25,377	25,377
49	AMPHIBIOUS SUPPORT EQUIPMENT	545	545	15,545	11,545

		Budget Request	House	Senate	Conference
	Unfunded requirements			15,000	11,000
50	**EOD SYSTEMS**	**110,680**	**110,680**	**75,680**	**75,680**
	Unvalidated requirement			-35,000	-35,000
51	**PHYSICAL SECURITY EQUIPMENT**	**160,070**	**47,870**	**48,070**	**47,870**
	Reduced by amount of GBOSS reprogramming - program complete		-112,200		-112,200
	Previously funded requirement			-112,000	0
53	**MATERIAL HANDLING EQUIP**	**59,593**	**59,593**	**59,593**	**59,593**
55	**FIELD MEDICAL EQUIPMENT**	**11,243**	**11,243**	**11,243**	**11,243**
56	**TRAINING DEVICES**	**50,927**	**50,927**	**50,927**	**50,927**
57	**CONTAINER FAMILY**	**1,079**	**1,079**	**1,079**	**1,079**
58	**FAMILY OF CONSTRUCTION EQUIPMENT**	**105,990**	**105,990**	**107,990**	**107,990**
	Unfunded requirements			2,000	2,000
59	**FAMILY OF INTERNALLY TRANSPORTABLE VEHICLES (ITV)**	**12,000**	**12,000**	**12,000**	**12,000**
61	**RAPID DEPLOYABLE KITCHEN**	**1,287**	**1,287**	**1,287**	**1,287**
62	**ITEMS LESS THAN $5 MILLION**	**617**	**617**	**617**	**617**
63	**SPARES AND REPAIR PARTS**	**5,000**	**5,000**	**5,000**	**5,000**
Total Procurement, Marine Corps		**1,638,386**	**1,509,986**	**1,658,347**	**1,526,447**
Aircraft Procurement, Air Force					
4	**F-22A**	**600,000**	**600,000**	**498,000**	**600,000**
	Full funding for fiscal year 2009			45,000	0
	Delete shut down funding			-147,000	0
XX	**C-17A**		**2,245,200**		**2,170,200**
	Provides for 8 C-17 aircraft		2,245,200		2,170,200
XX	**C-130**		**904,200**		**504,000**
	Provides for 3 MC-130J and 4 HC-130J		904,200		504,000
20	**C-12 A**	**45,000**	**45,000**	**45,000**	**45,000**
29	**MQ-9 UAV**	**195,858**	**305,858**	**195,858**	**195,858**
	Provides for MQ-9 Reaper aircraft		110,000		0
XX	**A-10**			**150,000**	**0**
	Provide additional re-wing kits			150,000	0
36	**F-16**	**63,200**	**63,200**	**63,200**	**63,200**
39	**C-5**	**104,800**	**59,800**	**104,800**	**82,300**
	Provides funding for C-5A defensive systems and limited LAIRCM systems due to inability of Air Force to install within the next 12 months		-45,000		-22,500
42	**C-17A**	**230,200**	**0**	**0**	**0**
	Provides no funding for LAIRCM systems due to inability of Air Force to install within the next 12 months		-230,200		-230,200
	Funded ahead of need			-230,200	0
52	**C-12**	**89,000**	**111,500**	**105,000**	**105,000**
	C-12 Modifications transferred from line 89		45,000	45,000	45,000
	Pricing correction on sensor kits		-22,500		0
	Funded ahead of need			-29,000	-29,000
56	**C-130**	**189,910**	**118,410**	**118,410**	**118,410**
	Provides funding for only 11 LAIRCM systems due to inability of Air Force to install within the next 12 months		-71,500	-71,500	-71,500
60	**DARP**	**6,250**	**6,250**	**6,250**	**6,250**
66	**RQ-4 UAV MODS**	**32,000**	**0**	**0**	**0**
	Groundbased Radar for Beale (doesn't deliver until 2012)		-32,000	-32,000	-32,200
69	**MQ-1 MODS**	**49,500**	**49,500**	**49,500**	**49,500**
70	**MQ-9 MODS**	**114,700**	**32,700**	**114,700**	**32,700**
	WAAS/Gorgon Stare Unjustified Request		-82,000		-82,000

		Budget Request	House	Senate	Conference
XX	**COMMON SUPPORT EQUIPMENT**		**6,250**		**6,250**
	Ten COTS Aircraft Air Conditioning Systems for Mobility aircraft in the CENTCOM AOR		6,250		6,250
89	**OTHER PRODUCTION CHARGES**	**641,000**	**573,000**	**596,000**	**596,000**
	Transfer C-12 modifications to Line 52		-45,000	-45,000	-45,000
	Classified adjustment		-23,000		0
92	**DARP**	**17,400**	**17,400**	**17,400**	**17,400**
Total Aircraft Procurement, Air Force		**2,378,818**	**5,138,268**	**2,064,118**	**4,592,068**
Missile Procurement, Air Force					
5	**PREDATOR HELLFIRE MISSILE**	**57,416**	**57,416**	**49,716**	**49,716**
	Unit cost adjustment			-7,700	-7,700
Total, Missile Procurement, Air Force		**57,416**	**57,416**	**49,716**	**49,716**
Procurement of Ammunition, Air Force					
1	**ROCKETS**	**5,600**	**5,600**	**5,600**	**5,600**
2	**CARTRIDGES**	**21,884**	**21,884**	**21,884**	**21,884**
3	**PRACTICE BOMBS**	**21,200**	**21,200**	**21,200**	**21,200**
4	**GENERAL PURPOSE BOMBS**	**36,700**	**36,700**	**36,700**	**36,700**
5	**JOINT DIRECT ATTACK MUNITION**	**85,400**	**85,400**	**40,000**	**60,400**
	Funds ahead of need			-45,400	-25,000
7	**EXPLOSIVE ORDNANCE DISPOSAL (EOD)**	**3,000**	**3,000**	**3,000**	**3,000**
12	**FUZES**	**6,800**	**6,800**	**6,800**	**6,800**
13	**SMALL ARMS**	**3,100**	**3,100**	**3,100**	**3,100**
Total Procurement of Ammunition, Air Force		**183,684**	**183,684**	**138,284**	**158,684**
Other Procurement, Air Force					
XX	**PASSENGER CARRYING VEHICLES**	**0**	**0**	**12,555**	**0**
	Transferred from OPAF, Other Programs		12,555		12,555
	Extremely low FY08 and FY09 execution		-12,555		-12,555
2	**MEDIUM TACTICAL VEHICLE**	**15,000**	**0**	**15,000**	**0**
	Extremely low FY08 and FY09 execution		-15,000		-15,000
4	**SECURITY AND TACTICAL VEHICLES**	**17,500**	**0**	**4,100**	**0**
	Extremely low FY08 and FY09 execution		-17,500		-17,500
	Non-combat losses			-12,696	0
	Pricing change			-704	0
5	**FIRE FIGHTING/CRASH RESCUE VEHICLES**	**9,566**	**0**	**7,734**	**0**
	Extremely low FY08 and FY09 execution		-9,566		-9,566
	Non-combat losses			-1,832	0
7	**RUNWAY SNOW REMOV AND CLEANING EQUIPMENT**	**1,544**	**1,544**	**1,544**	**1,544**
XX	**OTHER PROGRAMS**	**12,555**	**0**	**0**	**0**
	Transferred to OPAF, Passenger Carrying Vehicles		-12,555		-12,555
12	**INTELLIGENCE COMM EQUIPMENT**	**6,570**	**6,570**	**6,570**	**6,570**
14	**NATIONAL AIRSPACE SYSTEM**	**19,100**	**19,100**	**19,100**	**19,100**
15	**THEATER AIR CONTROL SYSTEMS IMPROVEMENT**	**4,540**	**4,540**	**0**	**0**
	Unjustified request			-4,540	-4,540
16	**WEATHER OBSERVATION FORECAST**	**2,780**	**2,780**	**2,780**	**2,780**
25	**C3 COUNTERMEASURES**	**1,600**	**1,600**	**1,600**	**1,600**
29	**BASE INFO INFRASTRUCTURE**	**20,000**	**0**	**0**	**0**
	Combat Information System (unjustified request)		-20,000		-20,000
	Early to need			-20,000	

		Budget Request	House	Senate	Conference
30	USCENTCOM	8,100	8,100	20,900	20,900
	Afghan ISR infrastructure			12,800	12,800
42	RADIO EQUIPMENT	7,000	7,000	0	0
	Premature funding request			-7,000	-7,000
46	COMM ELECT MODS	6,415	6,415	4,277	4,277
	Funded at maximum production rate			-2,138	-2,138
47	NIGHT VISION GOGGLES	18,128	18,128	18,128	18,128
50	BASE PROCURED EQUIPMENT	3,500	3,500	3,500	3,500
54	ITEMS LESS THAN $5,000,000	20,000	20,000	20,000	20,000
60	DEFENSE SPACE RECONNAISSANCE PROGRAM	52,000	52,000	72,000	72,000
XX	OTHER PROGRAMS	1,609,055	1,594,484	1,700,555	1,631,684
	Classified adjustment		-14,571	91,500	22,629
Total Other Procurement, Air Force		**1,834,953**	**1,745,761**	**1,910,343**	**1,802,083**
Procurement, Defense-Wide					
XX	OTHER PROGRAMS	183,071	183,071	223,871	223,871
69	SOF ORDNANCE REPLENISHMENT	1,000	1,000	1,000	1,000
71	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	3,100	3,100	3,100	3,100
72	SOF INTELLIGENCE SYSTEMS	8,100	8,100	8,100	8,100
95	SOF OPERATIONAL ENHANCEMENTS	1,797	4,797	1,797	1,797
	Tactical Combat Casualty Care Equipment		3,000		0
Total Procurement, Defense-Wide		**197,068**	**200,068**	**237,868**	**237,868**

STRYKER VEHICLES

The conference agreement supports continuation of the Stryker vehicle program which has demonstrated excellent performance in combat operations in the Central Command area of operations. The conference agreement provides $200,000,000 above the budget request to procure additional Stryker vehicles. Funds may be used to procure additional medical evacuation vehicles, engineer squad vehicles and other Stryker variants, based on Army needs, and to sustain continued production. As part of the Department of Defense Quadrennial Defense Review, the Army is undertaking a major analysis of its tracked and tactical wheeled vehicle needs. This review will set the course for the future force and help establish the specific vehicle requirements. The conferees direct the Secretary of the Army to provide a report to the congressional defense committees, no later than, September 30, 2009 with the plan to sustain Stryker vehicle production and the details on which vehicles (variant and quantity) will be procured with the provided funding.

RAPID EQUIPPING FORCE

The conference agreement provides $309,000,000 for the Army Rapid Equipping Force (REF), including $99,000,000 for Counter Sniper and Soldier Wearable Acoustic Targeting Sniper Systems. This amount should satisfy numerous emergency requests from forward deployed and forward deploying units. The conferees direct the Secretary of the Army to provide an acquisition objective and basis of issue plan for both vehicular and soldier wearable sniper detection equipment within 60 days after enactment of this Act. If shortfalls still exist, the Army is expected to reprogram the necessary funds to accommodate the shortfalls.

WEAPONS ENHANCEMENT PROGRAM

The budget request included $32,461,000 for various force protection items and weapons upgrades in Procurement, Marine Corps. The conferees note that the Congress previously provided $23,000,000 in this procurement line for a requirement that was subsequently not validated and directs the Marine Corps to apply those funds toward the requirements in the fiscal year 2009 supplemental request for weapons enhancements.

COMBAT OPERATIONS CENTERS

The conferees understand that subsequent to the budget submission, an Urgent Universal Needs Statement for additional Combat Operations Centers for Marine units in support of operations in Afghanistan was validated. The conference agreement provides $53,200,000 in Procurement, Marine Corps to fully satisfy this requirement.

EXPLOSIVE ORDNANCE DISPOSAL SYSTEMS

The budget request includes $35,000,000 for a U. S. Central Command Urgent Universal Needs Statement for a Standoff Suicide Bomber Detection System in Procurement, Marine Corps. The conferees have been informed that the Urgent Universal Needs Statement was suspended following the budget submission and therefore provide no funds for this effort.

PHYSICAL SECURITY EQUIPMENT

The budget request includes $112,200,000 in Procurement, Marine Corps for physical security requirements that were previously funded. The conferees deny the redundant funds.

F-22 AIRCRAFT

The Air Force has informed the Congress that funding in the amount of $45,000,000 is required for the F-22 Raptor program to avoid a work stoppage in material processing and fabrication activities during fiscal year 2009. The conferees direct the Secretary of the Air Force to use $45,000,000 from within the funds provided to ensure that work proceeds on schedule. None of the funds provided in this Act shall be used to finance activities to shut-down the F-22A production line. Funds may be used to explore options to develop an export variant of the F-22A.

NATIONAL GUARD AND RESERVE EQUIPMENT

The National Guard and Reserve components traditionally receive less than a proportionate share of funding to resource their equipment needs. As a result, the conferees recommend funding of $500,000,000 for the National Guard and Reserve forces. Of that amount, $300,000,000 is for the Army National Guard; $50,000,000 for the Air National Guard; $75,000,000 for the U.S. Army Reserve; $25,000,000 for the Navy Reserve; $25,000,000 for the Marine Corps Reserve; and $25,000,000 for the Air Force Reserve to meet urgent equipment needs that may arise this fiscal year. This funding will allow the National Guard and Reserve components to procure high priority equipment that may be used by these units for both their combat missions and their missions in support of State governors.

[In thousands of dollars]

	Budget Request	House	Senate	Conference
ARMY NATIONAL GUARD		300,000	300,000	300,000
AIR NATIONAL GUARD		50,000	50,000	50,000
US ARMY RESERVE		75,000	75,000	75,000
NAVY RESERVE		25,000	25,000	25,000
MARINE CORPS RESERVE		25,000	25,000	25,000
AIR FORCE RESERVE		25,000	25,000	25,000
Total National Guard and Reserve Equipment Account		**500,000**	**500,000**	**500,000**

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

The conferees recommend $4,543,000,000 for the Mine Resistant Ambush Protected Vehicle Fund, an increase of $1,850,000,000 above the request and direct that the additional funds shall be for the procurement and fielding of Mine Resistant Ambush Protected All Terrain Vehicles (M-ATV) only. M-ATVs are urgently needed to protect servicemembers against

improvised explosive devices and other threats in Afghanistan. These new, lightweight MRAPs operate better than current vehicles in the close urban environments and challenging terrain of Afghanistan. The conferees expect that the Joint Program Office will move rapidly to field these critical force protection assets to the Warfighter.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement recommends $833,499,000 for research, development, test and evaluation.

The recommendations for each research, development, test and evaluation account are shown below:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

		Budget Request	House	Senate	Conference
Research, Development, Test & Evaluation, Army					
61	**SOLDIER SUPPORT AND SURVIVABILITY**	**6,944**	**6,944**	**2,645**	**2,645**
	Unjustified request			-4,299	-4,299
93	**NIGHT VISION SYSTEMS - SDD**	**64,500**	**64,500**	**68,900**	**49,900**
	Kabul Persistent Threat Detection System			4,400	4,400
	Transfer to Other Procurement, Army Line 83, Heterogeneous Airborne Reconaissance Team, for execution				-19,000
134	**EXPLOITATION OF FOREIGN ITEMS**	**390**	**390**	**390**	**390**
162	**INFORMATION SYSTEMS SECURITY PROGRAM**	**1,900**	**1,900**	**0**	**0**
	Unjustified requirement			-1,900	-1,900
Total Research, Development, Test & Evaluation, Army		**73,734**	**73,734**	**71,935**	**52,935**
Research, Development, Test & Evaluation, Navy					
91	**V-22A**	**3,900**	**0**	**3,900**	**0**
	Non-emergency development effort		-3,900		-3,900
122	**INTELLIGENCE ENGINEERING**	**1,850**	**0**	**1,850**	**0**
	CNO Nodal analysis		-1,850		-1,850
180	**MARINE CORPS COMMUNICATIONS SYSTEMS**	**8,700**	**0**	**0**	**0**
	Non-emergency development effort		-8,700		-8,700
	CESAS-continue deployment on MRAP			-8,700	0
202	**MANNED RECONNAISSANCE SYSTEMS**	**8,855**	**0**	**26,700**	**35,555**
	Excessive delivery time		-8,855		0
	Unjustified request			-8,855	0
	Saber Focus			26,700	26,700
XXX	**OTHER PROGRAMS**	**121,231**	**96,231**	**109,231**	**101,231**
	Program Adjustment				-20,000
Total Research, Development, Test & Evaluation, Navy		**144,536**	**96,231**	**141,681**	**136,786**
Research, Development, Test & Evaluation, Air Force					
86	**LINK 16 SUPPORT AND SUSTAINMENT**			**61,000**	**61,000**
	Interim Gateway/Battlefield Airborne Communication Node			61,000	61,000
XXX	**OTHER PROGRAMS**	**108,259**	**92,574**	**113,259**	**99,474**
	Program Adjustment				-8,785
Total Research, Development, Test & Evaluation, Air Force		**108,259**	**92,574**	**174,259**	**160,474**

		Budget Request	House	Senate	Conference
Research, Development, Test & Evaluation, Defense-Wide					
23	**SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT**		**2,000**		**2,000**
	Freeze-Dried Platelet and Plasma Development		2,000		2,000
124	**WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE STAFF OFFICE**	**15,645**	**15,645**	**15,645**	**15,645**
139	**GENERAL SUPPORT TO USD (INTELLIGENCE)**	**17,250**	**11,500**	**17,250**	**11,500**
	Program Adjustment		-5,750	0	-5,750
	OTHER PROGRAMS	**2,001**	**0**	**2,001**	**0**
	Program Adjustment		-2,001		-2,001
210	**DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES**	**1,545**	**1,545**	**1,545**	**1,545**
XXX	**OTHER PROGRAMS**	**446,927**	**428,701**	**461,727**	**452,614**
	Program Adjustment		-18,226	14,800	5,687
Total Research, Development, Test & Evaluation, Defense-Wide		**483,368**	**459,391**	**498,168**	**483,304**

KINETIC ENERGY INTERCEPTOR

The conferees understand a stop work order on the Kinetic Energy Interceptor (KEI) was issued May 11, 2009. However, the KEI program had a booster flight test scheduled in Fall 2009 that could provide an important understanding of the technology risk for any future interceptor development. The conferees further understand that that the KEI program has already produced valuable technical accomplishments. The conferees strongly encourage the Missile Defense Agency to execute this test, within funds that have been made available for KEI, to gain significant technical knowledge for this program.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement recommends $861,726,000 for the Defense Working Capital Fund accounts. This supports funding of $443,200,000 for the Defense Working Capital Fund, Army, to re-stock spare and repair parts essential to the operational readiness of the Army; $15,000,000 for the Defense Working Capital Fund, Air Force, for the transportation of Fallen Heroes from the theater of operations; and $403,526,000 for the Defense Working Capital Fund, Defense-Wide, for contingency operations costs for the Defense Information Systems Agency and the Defense Logistics Agency.

[In thousands of dollars]

	Budget Request	House	Senate	Conference
WCF-Army				
Spare Parts	443,200	443,200	443,200	443,200
Total, Working Capital Fund, Army	**443,200**	**443,200**	**443,200**	**443,200**
WCF-Air Force				
TWCF for Transportation of Fallen Heroes (transfer from IFF)		0	15,000	15,000
Total, Working Capital Fund, Air Force		**0**	**15,000**	**15,000**
WCF-Defense-Wide:				
DLA Distribution Depots	33,600	33,600	33,600	33,600
DLA DRMS Operations	34,416	34,416	34,416	34,416
DLA Supply Management	322,410	322,410	322,410	322,410
DISA Information Services	13,100	13,100	13,100	13,100
Total, Working Capital Fund, Defense-Wide	**403,526**	**403,526**	**403,526**	**403,526**
Grand Total, Working Capital Funds	**846,726**	**846,726**	**861,726**	**861,726**

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement recommends $1,055,297,000 for the Defense Health Program.

The recommendations for the Defense Health Program are shown below:

[In thousands of dollars]

	Budget Request	House	Senate	Conference
OPERATION AND MAINTENANCE	**845,508**	**845,508**	**845,508**	**845,508**
In-House Care	178,828	178,828	178,828	178,828
Private Sector Care	579,243	579,243	579,243	579,243
Consolidated Health Care	68,196	68,196	68,196	68,196
Information Management/IT	5,700	5,700	5,700	5,700
Education and Training	9,119	9,119	9,119	9,119
Base Operations and Communications	4,422	4,422	4,422	4,422
PROCUREMENT	**30,185**	**50,185**	**30,185**	**50,185**
Rehabilitation Equipment		20,000		20,000
RESEARCH, DEVELOPMENT, TEST & EVALUATION	**33,604**	**201,604**	**33,604**	**159,604**
Psychological Health and Traumatic Brain Injury		100,000		75,000
Orthopedic Research		68,000		51,000

TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH RESEARCH

The conference agreement provides $75,000,000 for Traumatic Brain Injury (TBI) and Psychological Health peer-reviewed and/or competitively awarded research, development, test and evaluation efforts. The funding provided is to be allocated as recommended in the House Report 111-105 to validate emergent approaches and technologies and to accelerate on-going programs for early diagnosis, assessment and treatment of TBI and Psychological Health, including spinal cord injury, and complementary and alternative medicine.

ORTHOPEDIC RESEARCH

The conference agreement provides $51,000,000 for orthopedic and other trauma research, treatment and rehabilitation including regenerative medicine. This funding will continue and expand the existing orthopedic trauma research program, amputee rehabilitation and reset research, and restoration of function. Serious limb trauma, vascular injuries, major limb tissue damage, and blood flow disruption contribute heavily to United States military casualties in Iraq and Afghanistan. The Department of Defense estimates indicate that nearly two thirds of injuries sustained in combat in Iraq and Afghanistan are musculoskeletal. Extremity injuries are the most prevalent injury, and amputations following battlefield injury now occur at twice the rate as in past wars. Understanding how to treat and facilitate rapid recovery from orthopedic injuries should be one of the top priorities for the Military Health System.

REHABILITATION EQUIPMENT

The conference agreement provides $20,000,000 to procure equipment for rehabilitation facilities currently under construction. The equipment will enable continued state-of-the-art care for soldiers with various types of injuries to recover to their full potential and return to a more normal way of life.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement recommends $120,398,000 for the Drug Interdiction and Counter-Drug Activities, Defense program.

The recommendations for the Drug Interdiction and Counter-Drug Activities, Defense program are shown below:

[In thousands of dollars]

	Budget Request	House	Senate	Conference
AFGHANISTAN	**57,308**	**57,308**	**57,308**	**57,308**
PAKISTAN	**25,800**	**25,800**	**10,000**	**10,000**
Frontier Headquarters Construction			-11,800	-11,800
Mi-17 Overhaul			-4,000	-4,000
TAJIKISTAN	**18,940**	**18,940**	**16,940**	**16,940**
English Language Lab			-2,000	-2,000
TURKMENISTAN	**2,850**	**2,850**	**2,850**	**2,850**
KYRGYZSTAN	**21,520**	**21,520**	**21,520**	**21,520**
KAZAKHSTAN	**10,580**	**10,580**	**10,580**	**10,580**
UZBEKISTAN	**4,000**	**0**	**4,000**	**1,000**
OTHER REGIONAL SUPPORT	**200**	**200**	**200**	**200**
Total Drug Interdiction and Counter-Drug Activities, Defense	**141,198**	**137,198**	**123,398**	**120,398**

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement recommends $1,116,746,000 for the Joint Improvised Explosive Device Defeat Fund.

The recommendations for the Joint Improvised Explosive Device Defeat Fund are shown below:

[in thousands of dollars]

	Budget Request	House	Senate	Conference
ATTACK THE NETWORK	**499,830**	**499,830**	**349,830**	**349,830**
Excess to requirement			-150,000	-150,000
DEFEAT THE DEVICE	**607,389**	**457,389**	**457,389**	**457,389**
Excess to requirement		-150,000	-150,000	-150,000
TRAIN THE FORCE	**333,527**	**333,527**	**283,527**	**283,527**
Excess to requirement			-50,000	-50,000
STAFF AND INFRASTRUCTURE	**26,000**	**26,000**	**26,000**	**26,000**

Total Joint Improvised Explosive Device Defeat Fund	**1,466,746**	**1,316,746**	**1,116,746**	**1,116,746**

OFFICE OF THE INSPECTOR GENERAL

The conference agreement recommends $9,551,000 for the Office of the Inspector General.

GENERAL PROVISIONS

Title III contains several general provisions, many of which extend or modify war-related authorities included in previous Acts. A brief description of the recommended provisions follows:

The conferees agree to retain sections 10001 and 301, as proposed by the House and the Senate, which establish the period of availability for obligation for appropriations provided in this title and that funds made available in this title are in addition to amounts appropriated or made available for the Department of Defense for fiscal year 2009.

(Including Transfer of Funds)

The conferees agree to retain and amend sections 10002 and 302, as proposed by the House and the Senate, which provide special transfer authority for funds made available in this Act for the Department of Defense.

The conferees agree to retain and amend sections 10003 and 303, as proposed by the House and the Senate, which provide for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

(Including Transfer of Funds)

The conferees agree to retain and amend sections 10004 and 304, as proposed by the House and the Senate, which provide for transfers from the Defense Cooperation Account.

The conferees agree to retain and amend sections 10005 and 305, as proposed by the House and the Senate, which provide that, for construction projects in Afghanistan funded with operation and maintenance funds, supervisory and administrative costs may be obligated when the contract is awarded.

(Including Rescissions)

The conferees agree to retain and amend section 10006, as proposed by the House, which provides a two year period of availability for the Iraq Security Forces Fund.

The conferees agree to retain sections 10007 and 306, as proposed by the House and the Senate, which provide authority to use operation and maintenance appropriations to purchase items

having an investment item unit cost of not more than $250,000, or upon determination by the Secretary of Defense that the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas can be met, funds may be used to purchase items having an investment item unit cost of not more than $500,000.

The conferees agree to delete section 10008 as proposed by the House regarding Commander's Emergency Response Program.

The conferees agree to delete section 10009 as proposed by the House regarding military spouse career transition assistance internship program.

The conferees agree to delete section 10010 as proposed by the House regarding the Air Safety System for the Kyrgyz Republic.

The conferees agree to retain sections 10011 and 307 as proposed by the House and the Senate, which provide for the procurement of passenger motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan.

The conferees agree to retain and amend sections 10012 and 308 as proposed by the House and the Senate regarding rescissions. The rescissions agreed to are:

(Rescissions)

2007 Appropriations:	
Procurement, Marine Corps:	
Training Devices	$53,200,000
CAC2S	1,200,000
2008 Appropriations:	
Other Procurement, Army:	
Combat ID	4,100,000
SAT Term, EMUT	4,500,000
LRAS3	8,400,000
Smoke & Obscurant Family	8,000,000
Heaters and ECUs	4,300,000
Procurement, Marine Corps:	
CAC2S	10,300,000
Aircraft Procurement, Air Force:	
F-22A	7,676,000
Common Support Equipment	36,324,000
Research, Development, Test and Evaluation, Navy:	
Classified	5,000,000
Silent Guardian	6,300,000
Research, Development, Test and Evaluation, Air Force:	
CSAR-X RDT&E	36,107,000
Research, Development, Test and Evaluation, Defense-Wide:	
DARPA: Undistributed	150,000,000
DARPA: Sensor Technology	650,000
DARPA: Guidance Technology	9,270,000

General Support to USD/I	9,204,000
2009 Appropriations:	
Operation and Maintenance, Army:	
Fuel	352,359,000
Operation and Maintenance, Navy:	
Fuel	881,481,000
Operation and Maintenance, Marine Corps:	
Fuel	54,466,000
Operation and Maintenance, Air Force:	
Fuel	925,203,000
Operation and Maintenance, Defense-Wide:	
Fuel	81,135,000
Classified	5,000,000
Classified	181,500,000
Operation and Maintenance, Army Reserve:	
Fuel	23,338,000
Operation and Maintenance, Navy Reserve:	
Fuel	62,910,000
Operation and Maintenance, Marine Corps Reserve:	
Fuel	1,250,000
Operation and Maintenance, Air Force Reserve:	
Fuel	163,786,000
Operation and Maintenance, Army National Guard:	
Fuel	57,819,000
Operation and Maintenance, Air National Guard:	
Fuel	250,645,000
Aircraft Procurement, Army:	
Common Ground Equipment	11,000,000
Airborne Avionics	11,600,000
Procurement of Ammunition, Army:	
CTG, Tank, 120MM, All Types	46,800,000
Signals, All Types	50,100,000
Mine, Clearing Charge, All Types	2,000,000
Ammo Components (Renovation)	8,200,000
Other Procurement, Army:	
Force XXI Battle Command Brigade & Below	50,000,000
Modification of In-Service Equipment (OPA3)	30,200,000
Defense Enterprise Wideband SATCOM System	6,000,000
Long Range Advanced Scout Surveillance	47,300,000
Night Vision Thermal Weapon Sight	41,500,000
Field Feeding Equipment	7,000,000
Close Combat Tactical Trainer	8,000,000
Lightweight Laser Designator Rangefinder	55,000,000
Procurement, Marine Corps:	
CAC2S	10,300,000
Other Procurement, Air Force:	
Base Information Infrastructure	17,500,000

Procurement, Defense-Wide:	
Unmanned Vehicles	6,400,000
Research, Development, Test and Evaluation, Army:	
Aerial Common Sensor	157,710,000
Rapid Equipping Force	20,000,000
Armed Reconnaissance Helicopter	10,000,000
Research, Development, Test and Evaluation, Navy:	
Fuel	30,510,000
VH-71	47,000,000
CG (X)	73,600,000
Harpoon Upgrades	11,450,000
Aerial Common Sensor	30,000,000
Classified	24,500,000
Research, Development, Test and Evaluation, Air Force:	
Fuel	15,098,000
Transformational SATCOM	150,000,000
CSAR-X RDT&E	92,469,000
Single Integrated Air Picture	20,000,000
MILSATCOM Terminals	10,000,000

The conferees agree to delete section 10013 as proposed by the House regarding the transfer of $150,600,000 from various Army procurement accounts to military personnel accounts.

The conferees agree to delete section 10014 as proposed by the House which rescinds unobligated balances from Operation and Maintenance, Defense-Wide.

(Including Transfer of Funds)

The conferees agree to retain and amend section 10015 as proposed by the House which provides for retroactive Stop Loss payments.

The conferees agree to retain section 10016 as proposed by the House which provides for authority to retire certain aircraft.

The conferees agree to retain sections 10017 and 309, as proposed by the House and the Senate, which prohibit obligation or expenditure of funds contrary to the provisions of Section 814 of the National Defense Authorization Act, Fiscal Year 2007 (P.L. 109-364).

The conferees agree to retain sections 10018 and 310, as proposed by the House and the Senate, which prohibit the use of funds available in this Act for the Department of Defense to finance projects denied by the Congress in the fiscal year 2008 or fiscal year 2009 Department of Defense Appropriations Acts.

The conferees agree to retain section 10019 as proposed by the House, which bans the establishment of permanent bases in Iraq or US control over oil resources.

The conferees agree to retain section 10020 and 311, as proposed by the House and the Senate, which prohibit the obligation of expenditure of funds in this or any other Act to establish a permanent base in Afghanistan.

The conferees retain and amend section 10021 as proposed by the House which requires a report on Iraq troop draw down.

The conferees agree to retain section 312 as proposed by the Senate, which modifies reporting requirements on Iraq and Afghanistan Security Forces funds to include the Pakistan Counterinsurgency Fund.

The conferees agree to retain and amend section 313 as proposed by the Senate, which modifies section 1174(h)(1), title 10 U.S.C. to allow recoupment of special pay, special separation benefits and voluntary separation incentives.

The conferees agree to delete section 314 as proposed by the Senate which designated funding as being for overseas deployment and other activities.

The conferees agree to retain and amend section 315 as proposed by the Senate regarding a study of the detention facility at Naval Station Guantanamo Bay.

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TITLE IV—SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

The conference agreement provides $42,875,000 for Operation and Maintenance, instead of $38,375,000 as proposed by the Senate. The House proposed no funding for this account.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides $754,290,000 for Flood Control and Coastal Emergencies as proposed by the Senate. The House proposed no funding for this account. Within the funds provided, $315,290,000 is for the Corps to prepare for flood, hurricane, and other natural disasters; support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; and repair and rehabilitate eligible projects that were affected by natural disasters. An additional $439,000,000 is provided for barrier island restoration and ecosystem restoration along the Mississippi Gulf Coast.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

STRATEGIC PETROLEUM RESERVE
(TRANSFER OF FUNDS)

The conference agreement provides $21,585,723 for Strategic Petroleum Reserve to be derived by transfer from the SPR Petroleum Account as proposed by the House and Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

The conference agreement provides $30,000,000 to sustain a program at the nuclear weapons laboratories and other entities to analyze nuclear and biological weapons intelligence. The Senate bill proposed $34,500,000 for such activities. The House proposed no funding for this account. With this funding, the Secretary of Energy, in cooperation with the Director of National Intelligence, shall develop and implement a plan for investing these funds and sustaining this critical analytical capability.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $55,000,000 for Defense Nuclear Nonproliferation as proposed by the House and Senate.

GENERAL PROVISIONS—THIS TITLE

The conference agreement includes a provision proposed by the Senate concerning Department of Energy Limited Transfer Authority. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning Federal Employment Requirements. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate amending section 3181 of Public Law 110-114 to deauthorize two Corps of Engineers projects. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning reprogramming of funds provided in Public Law 111-5 to the Corps of Engineers. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning reprogramming of funds provided in Public Law 111-5 to the Bureau of Reclamation. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate restricting spending on mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities until an independent technical mission review and cost analysis is performed. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate increasing the cost ceiling for a Corps of Engineers project. The House proposed no similar provision.

The conference agreement deletes a provision proposed by the Senate concerning deconstruction of a Corps of Engineers project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning the Innovative Technology Loan Guarantee Program in the Energy Department. The House proposed no similar provision.

No bold

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TITLE V

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

The conference agreement includes an additional appropriation of $2,936,000 for the National Security Council, as proposed by both the House and the Senate.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides an additional appropriation of $10,000,000 for the Federal Judiciary, as proposed by the Senate, available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives. The House did not include funding for this purpose.

INDEPENDENT AGENCIES

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

The conference report appropriates $8,000,000, to remain available until February 15, 2011, for the necessary expenses of the Financial Crisis Inquiry Commission established by section 5 of Public Law 111-21 (enacted on May 20, 2009). The Senate bill provided $4,000,000 for this purpose, appropriated to the Department of the Treasury for transfer to the Commission. Now that the authorization has become law, the conferees decided to make the appropriation directly to a new account for the Commission. In addition, the conference agreement makes the funds available through February 15, 2011, rather than through December 31, 2010 as proposed by the Senate, in order to improve consistency with the authorizing legislation. The House bill did not include funding for this new Commission.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes an additional appropriation of $10,000,000, as proposed by the Senate, for the Securities and Exchange Commission for investigation of securities fraud. The House bill did not include funding for this purpose.

GENERAL PROVISIONS—THIS TITLE

Section 501 of the conference report makes a technical correction to Public Law 110-428 relating to judicial survivors' annuities. This provision was proposed by the Senate; the House had no comparable language.

Section 502 of the conference report amends the appropriation of District of Columbia funds in the Financial Services and General Government Appropriations Act, 2009 to incorporate any subsequent budget amendments adopted by the District of Columbia Council. This provision was proposed by the Senate; the House had no comparable language.

Section 503 of the conference report alters the set aside of not less than $3,000,000 in the fiscal year 2009 appropriation for the Federal Communications Commission, to make that amount available for developing a national broadband plan pursuant to the American Recovery and Reinvestment Act instead of for a State Broadband Data and Development matching grants program. This provision was proposed by the Senate; the House had no comparable language.

Section 504 of the conference report includes language proposed by the Senate amending the Federal Deposit Insurance Act so as to preempt certain state interest rate ceilings, effective through December 31, 2010. The House had no comparable provision.

PANDEMIC INFLUENZA

The conference agreement does not contain provisions proposed by the Senate making appropriations within the Executive Office of the President for pandemic influenza preparedness and response. Rather, this matter is addressed in the Labor-HHS-Education and State/Foreign Operations titles of the conference agreement, as in the House version of the bill.

No bold

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TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U. S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The agreement provides $46,200,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses as proposed by the Senate. The House bill contained no similar funding. Of this, $6,200,000 shall be to care for and transport unaccompanied illegal alien children (UAC); $30,000,000 shall be to fund the hiring of up to 125 CBP Officers, as well as other personnel, equipment, facilities and operations costs for additional deployment to Southwest border ports of entry; and $10,000,000 shall be to procure competitively non-intrusive inspection equipment, all as described in the Senate report. The Secretary of Homeland Security shall submit an expenditure plan to the Committees on Appropriations prior to obligating these funds, and not later than 30 days after the date of enactment of this Act.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The agreement provides $5,000,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement as proposed by the Senate. The House bill contained no similar funding. The Secretary shall submit an expenditure plan to the Committees on Appropriations prior to obligating these funds, and not later than 30 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The agreement provides $66,800,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses as proposed by the Senate. The House bill contained no similar funding. Included in this total is $11,800,000 for increased costs of ICE to care for and transport UAC to the Department of Health and Human Services (HHS), pursuant to the requirements in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457). In addition, the bill includes $55,000,000 for response to border security issues, as discussed in the Senate report. Prior to obligation of the funds, the Secretary shall submit an expenditure plan to the Committees on Appropriations not later than 30 days after the date of enactment of this Act.

The Department of Homeland Security (DHS) is directed, jointly with HHS, to brief the Committees on Appropriations no later than July 3, 2009, on the fiscal year 2009 costs to date for handling UAC pursuant to P.L. 110-457 and the estimated costs for the same activity in fiscal year 2010.

COAST GUARD

OPERATING EXPENSES

The agreement provides $139,503,000 for Coast Guard Operating Expenses as proposed by the Senate. The House bill contained $129,503,000 within the Navy Operations and Maintenance appropriation and no funding for maintenance of High Endurance Cutters. Of this total, $129,503,000 is for support of overseas contingency operations, and $10,000,000 is for addressing the High Endurance Cutter maintenance backlog. The Coast Guard is directed to provide a briefing by July 15, 2009, on how it plans to apply the cutter maintenance funds.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

The agreement provides $30,000,000 for State and Local Programs for Operation Stonegarden as proposed by the Senate. The House bill contained no similar funding.

GENERAL PROVISIONS-THIS TITLE

Section 601. The agreement includes and modifies a provision proposed by the House permitting the Coast Guard to issue a certificate of documentation for the drydock ALABAMA to engage in coastwise trade and waives certain sections of the Jones Act.

Section 602. The agreement includes a provision proposed by the House permitting the Coast Guard to issue a certificate of documentation for the vessel MARYLAND INDEPENDENCE to engage in coastwise trade and waives certain sections of the Jones Act. This authority is terminated if the vessel is conveyed or repairs or alterations are made to the vessel outside the United States.

(INCLUDING RESCISSION OF FUNDS)

Section 603. The agreement includes a provision proposed by the Senate rescinding and appropriating funds previously allocated to the State of Mississippi.

Section 604. The agreement includes a provision proposed by the Senate amending language under the heading Federal Emergency Management Agency, Management and Administration, Public Law 110-329.

Section 605. The agreement includes a provision proposed by the Senate permitting the Secretary to waive certain requirements of the Federal Fire Prevention and Control Act of 1974.

The House bill contained a similar provision under the heading Federal Emergency Management Agency, Firefighter Assistance Grants.

Section 606. The agreement includes a provision proposed by the Senate regarding State-run case management programs related to Hurricanes Katrina and Rita.

Section 607. The agreement includes a provision proposed by the Senate that amends Section 552 of Public Law 110-161 pertaining to primary or secondary schools damaged by Hurricanes Katrina and Rita.

Section 608. The agreement includes a provision proposed by the Senate pertaining to Disaster Assistance Direct Loans made pursuant to P.L. 111-5 for FEMA-1791-DR.

Section 609. The agreement includes a new provision pertaining to debris removal and public assistance for damages associated with FEMA-1791-DR, FEMA-1792-DR, FEMA-1841-DR, and FEMA-1838-DR.

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TITLE VII

DEPARTMENT OF THE INTERIOR
DEPARTMENT-WIDE PROGRAMS
Wildland Fire Management
(including transfer of funds)

The conference agreement includes $50,000,000 as requested for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, available only if other available funds will be exhausted imminently. If it enhances the efficiency or effectiveness of Federal wildland fire suppression activities, the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture for similar activities. The Committee notes that although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Wildland Fire Management
(including transfer of funds)

The conference agreement includes $200,000,000 as requested for wildfire suppression and emergency rehabilitation activities of the Forest Service, available only if other available funds will be exhausted imminently. If it enhances the efficiency or effectiveness of Federal wildland fire suppression activities, the Secretary of Agriculture may transfer not more than $50,000,000 of these funds to the Secretary of the Interior for similar activities. The Committee notes that although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

GENERAL PROVISIONS – THIS TITLE

Sec. 701. The conference agreement includes a technical correction as proposed by the Senate that amends Public Law 111-8 concerning training of staff at the Agency for Toxic Substances and Disease Registry. The House had no similar provision.

The conference agreement does not include a provision proposed by the Senate that exempts youth conservation employment programs in the Department of the Interior and the Forest Service from Section 1606 of division A, title XVI of Public Law 111-5. The conferees have been assured by the Department of the Interior officials that they have legal authorities to conduct youth projects under the American Recovery and Reinvestment Act with appropriate entities, such as the Youth Conservation Corps and Public Lands Corps.

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TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes $82,000,000 for refugee and entrant assistance, as proposed by the Senate. The House proposed these funds within the Department of Defense, including transfer authority to other Federal agencies. The conferees intend that these funds be used for the care and custody of unaccompanied alien children, to allow the Office of Refugee Resettlement to implement the provisions of Public Law 110-457, the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. The conferees direct the Department of Health and Human Services, in conjunction with the Department of Homeland Security, to provide a briefing to the Committees on Appropriations no later than July 3, 2009 on the increased costs in fiscal year 2010 associated with implementing the TVPRA.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $1,850,000,000 for pandemic influenza preparedness and response as proposed by the House. The Senate proposed $1,500,000,000 in the Executive Office of the President. Funding is available until expended, as proposed by the House, rather than until September 30, 2010 as proposed by the Senate.

The conference agreement concurs in the House recommendation and does not specify amounts within this appropriation for Federal government agencies outside of the Department of Health and Human Services (HHS). The Senate recommended a number of transfers to other Federal agencies.

The conferees recognize the high level of uncertainty associated with the current H1N1 influenza virus strain and other circulating flu viruses and the urgent need to provide increased resources to Federal, State, and local agencies on the frontlines of responding to disease outbreaks. Lessons learned from past influenza pandemics indicate that influenza can strike a community, affect many individuals, and then return with a vengeance to strike the community months later.

HHS has nearly exhausted all prior appropriated influenza pandemic funds to respond to the current H1N1 influenza outbreak. Supplemental funding is needed to continue to address this current outbreak, but also to prepare for the potential of future outbreaks, increased severity of the virus, or for a new flu strain to emerge. As such, this funding may be used for an array of pandemic influenza preparedness and response activities, including the development and purchase of vaccines, antiviral drugs, medical supplies and personal protective equipment, diagnostic and vaccine delivery equipment, for upgrading State and local public health capacity, and domestic and international surveillance. Additionally, funding may be used to support the activities for which prior funding was provided, but has been diverted to address the current outbreak.

As proposed by the House, the conference agreement includes bill language that permits the Secretary of HHS to transfer funding to other Federal agencies to be used to prepare for and respond to an influenza pandemic. Funds may also be transferred to the Covered Countermeasure Process Fund for the purpose of administering compensation claims for individuals who may experience adverse reactions caused by the administration or use of a covered countermeasure, such as vaccines and antiviral drugs. Such transfers shall be made in consultation with the Director of the Office of Management and Budget (OMB). Not later than 15 days prior to transferring any funds, the Secretary must notify the Committees on Appropriations of the House of Representatives and the Senate of the planned uses of the funds. The Senate did not propose similar language. Additionally, the conferees direct the Secretary to consult with the Director of OMB when making funding allocations within HHS.

Within the total, the conference agreement includes no less than $200,000,000 for the Centers for Disease Control and Prevention (CDC) as proposed by the House. The Senate did not include a similar provision. CDC is the lead Federal agency involved with detecting, preparing for, and responding to infectious disease outbreaks. Funding will be used for such activities as U.S. and global disease detection and surveillance, laboratory capacity and research, diagnostic capabilities, risk communication, rapid response, distribution of medical

supplies and treatments from the Strategic National Stockpile, guidance development, and assistance to State and local governments.

Also within the total, the conference agreement includes no less than $350,000,000 for upgrading State and local capacity as proposed by the House. The Senate did not include a similar provision. State and local public health systems have been challenged by the economic downturn. These funds will be used to support State and local public health and emergency response infrastructure, such as workforce, laboratory capacity, public communications, and community mitigation guidance and planning.

As proposed by the House, the conferees request that the Secretary of HHS, together with the Director of CDC, examine HHS' response to the early stages of the H1N1 outbreak in Mexico and the laboratory confirmation process to ascertain whether improvements are needed in its current disease detection policies and procedures. HHS should submit a report to the Committees on Appropriations of the House of Representatives and the Senate no later than 90 days after the enactment of this Act. The Senate did not request a similar report.

As proposed by the House, the conferees direct the Secretary of HHS to provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate updating the status of actions taken and funds obligated in this and previous appropriations Acts for pandemic influenza preparedness and response activities. These reports should be provided no later than 15 days after the end of each month. Further, the Secretary shall include appropriations provided in this Act when preparing the semi-annual report to Congress on influenza pandemic preparedness spending. The Senate did not propose similar language.

Contingent Emergency Appropriation

The conference agreement includes an additional $5,800,000,000 as a contingent emergency appropriation to provide Federal, State, and local public health and emergency response agencies with resources to effectively respond should an escalation of the H1N1 virus or another emergent influenza virus require a national vaccination program. On June 2, 2009, the President submitted a request for $2,000,000,000 in contingent funds, plus authority to transfer and redirect Recovery Act and other prior appropriations for this purpose. The conferees agree that additional, substantial, and flexible resources should be

provided to respond to this emerging situation; however, the conferees believe they should be provided in a more efficient manner.

Moreover, to ensure that these resources are used for urgent needs, with oversight and accountability, this funding is available for obligation only if the President provides written notice to Congress that emergency funds are required to address critical needs related to emerging influenza viruses. Funds may be transferred to other appropriation accounts of the Department of Health and Human Services and other Federal agencies in consultation with the Director of the Office of Management and Budget. Further, none of the funds provided through this contingent emergency appropriation shall be made available for obligation until 15 days following the submittal of detailed obligation plans to the Committees on Appropriations of the House of Representatives and the Senate. Such plans shall identify the amounts and the activities for which funds are specified by the President, shall be prepared by HHS or any other Federal agency receiving funds, and shall be coordinated with the Executive Office of the President.

GENERAL PROVISIONS – THIS TITLE

(TRANSFER OF FUNDS)

Sec. 801. The conference agreement includes a provision as proposed by the Senate to provide the Department of Labor expanded transfer authority for administrative funding appropriated in the American Recovery and Reinvestment Act. The House bill did not include a similar provision.

Sec. 802. The conference agreement includes a provision as proposed by the House to make a technical correction to the Fiscal Year 2009 Omnibus Appropriations Act to permit the higher foster care children adoption incentive payments to States authorized by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). The Senate bill did not include a similar provision. 1c

Sec. 803. The conference agreement includes bill language, not in either House or Senate bills, to enable the Department of Education to expedite the awarding of American Recovery and Reinvestment Act (ARRA) funding available for the Centers for Independent Living program and allow multiple year awards. The conferees expect that this authority will help the Department begin to make ARRA awards under this program in the current fiscal year and request monthly

reports to the Committees on Appropriations of the House of Representatives and the Senate on actions taken to make all awards under this program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 804. The conference agreement includes a provision that permits the Secretary of Education to transfer up to $10,260,000 to the Career, Technical, and Adult Education account for carrying out Adult Education State Grants from amounts that would otherwise lapse at the end of fiscal year 2009, with notification to the Committees on Appropriations. The Senate proposed language authorizing a transfer of up to $17,678,270 for this purpose, while the House bill did not include similar language.

TITLE
~~Chapter~~ IX
Legislative Branch

NO BOLD

U.S. Capitol Police
General Expenses

The agreement includes $71,606,000 for the acquisition and installation of a new radio system for the U.S. Capitol Police as proposed by both the House and the Senate. This is the same amount as the supplemental request. The Government Accountability Office will support the Capitol Police in the execution of this critical project and have been requested by the House and Senate Appropriations Committees to provide regular updates of progress in meeting critical system deadlines and performance standards.

The agreement accepts the Senate structure of the appropriations language which deletes a proviso included in the House bill and the supplemental request that would have placed $6,500,000 of this amount in a contingency reserve.

Congressional Budget Office
Salaries and Expenses

The agreement includes $2,000,000 as proposed by the Senate for the Congressional Budget Office. These funds remain available until September 30, 2010. The funding provides increased resources to expedite CBO's evaluation and scoring of major legislation expected to be considered during the remainder of fiscal year 2009 and will accelerate staffing increases proposed in the fiscal year 2010 budget request. These funds were not in the supplemental request or the House bill.

Sec 901 – General Provision

The agreement does not include a general provision proposed by the Senate related to Committee funding. The House included no similar language.

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TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

The conferees agree to provide $1,326,231,000 for Military Construction, Army, instead of $1,407,231,000 as proposed by the House and $1,278,731,000 as proposed by the Senate. The conferees also recommend a rescission of $143,242,000 from a prior year appropriation due to the cancellation of military construction projects in Iraq. The agreement includes a provision as proposed by the Senate to require a prefinancing statement for each project in Afghanistan be submitted to NATO before funds can be obligated or expended. The funds are provided as follows:

Location	Project description	Request ($000)	Conference Agreement ($000)
CO: Fort Carson	Child Development Center	11,200	11,200
CO: Fort Carson	Child Development Center	11,500	11,500
KY: Fort Knox	CDC Connector	1,100	1,100
MS: Mississippi AAP	Hurricane Damage Repair	-	49,000
NC: Fort Bragg	Warrior in Transition Complex	88,000	88,000
TX: Fort Bliss	Child Development Center (additional funds)	4,700	4,700
TX: Fort Bliss	Child Development Center (additional funds)	3,900	3,900
TX: Fort Bliss	Child Development Center (additional funds)	4,700	4,700
TX: Fort Bliss	Child Development Center	14,200	14,200
TX: Fort Hood	Warrior in Transition Complex	64,000	64,000
TX: Fort Sam Houston	Warrior in Transition Complex	87,000	87,000
VA: Fort Belvoir	Warrior in Transition Complex	76,000	76,000
WA: Fort Lewis	Warrior in Transition Complex	110,000	110,000
Afghanistan: Airborne	Troop Housing	5,600	5,600
Afghanistan: Altimur	Troop Housing	3,500	3,500
Afghanistan: Bagram AB	SOF Alpha Ramp Facilities	10,800	10,800
Afghanistan: Bagram AB	Power Plant Expansion	33,000	33,000
Afghanistan: Bagram AB	Drainage System, Phase 1	18,500	18,500
Afghanistan: Bagram AB	Troop Housing, Phase 2	20,000	20,000
Afghanistan: Bagram AB	Troop Housing, Phase 3	-	22,000
Afghanistan: Dwyer	Contingency Housing, Phase 1	-	8,600
Afghanistan: Dwyer	Contingency Housing, Phase 2	-	6,900
Afghanistan: Frontenac	Contingency Housing	-	3,800
Afghanistan: Gardez	Contingency Housing	-	8,400
Afghanistan: Garmsir	Medical Facility	2,000	2,000
Afghanistan: Helmand	Brigade Headquarters	7,800	7,800
Afghanistan: Jalalabad	Contingency Housing	-	6,900
Afghanistan: Joyce	Troop Housing	5,200	5,200
Afghanistan: Kandahar	Troop Housing, Phase 1	8,700	8,700
Afghanistan: Kandahar	Troop Housing, Phase 2	-	4,250
Afghanistan: Kandahar	South Park Drainage, Phase 1	16,500	16,500
Afghanistan: Kandahar	Utilities, Phase 1	27,000	27,000
Afghanistan: Kandahar	Medical Facility	1,950	1,950
Afghanistan: Kandahar	Rotary Wing Ramps and Taxiway, Phase 2	49,000	49,000
Afghanistan: Kandahar	Command & Control Headquarters Facility	23,000	23,000
Afghanistan: Maywand	Troop Housing	10,800	10,800
Afghanistan: Maywand	Rotary Wing Ramps and Taxiway, Phase 1	26,000	26,000
Afghanistan: Maywand	Fuel Distribution System	8,000	8,000
Afghanistan: Shank	Fuel Distribution System	8,000	8,000
Afghanistan: Shank	Troop Housing, Phase 1	7,800	7,800
Afghanistan: Shank	Troop Housing, Phase 2	-	8,600
Afghanistan: Shank	Aviation Hangar & Maintenance Facilities	11,200	11,200
Afghanistan: Shank	Brigade Headquarters	7,800	7,800
Afghanistan: Shank	Rotary Wing Ramps and Taxiways, Phase 2	24,000	24,000
Afghanistan: Sharana	Aviation Hangar & Maintenance Facilities	11,200	11,200
Afghanistan: Sharana	Rotary Wing Ramps and Taxiways, Phase 1	39,000	39,000
Afghanistan: Sharana	Rotary Wing Ramps and Taxiways, Phase 2	29,000	29,000
Afghanistan: Tarin Kowt	Rotary Wing Ramps and Taxiways, Phase 1	26,000	26,000
Afghanistan: Tarin Kowt	Fuel Distribution System	8,000	8,000
Afghanistan: Tombstone/Bastion	Role 2 Medical Facility	4,200	4,200
Afghanistan: Tombstone/Bastion	Troop Housing	8,700	8,700
Afghanistan: Tombstone/Bastion	Troop Housing, Phase 2	5,200	5,200
Afghanistan: Tombstone/Bastion	Troop Housing, Phase 3	-	3,250
Afghanistan: Tombstone/Bastion	Troop Housing, Phase 4	-	3,800
Afghanistan: Tombstone/Bastion	Rotary Wing Ramps and Taixways, Phase 2	49,000	49,000
Afghanistan: Tombstone/Bastion	Aviation Hangar & Maintenance Facilities	11,200	11,200
Afghanistan: Tombstone/Bastion	Brigade Headquarters	7,800	7,800
Afghanistan: Tombstone/Bastion	Fuel Distribution System	8,000	8,000
Afghanistan: Wolverine	Troop Housing	8,900	8,900
Afghanistan: Various Locations	CIED Road, Kapisa Supply Route	68,000	52,000
Germany: Ansbach	Child Development Center (Storck Barracks)	9,800	9,800
Germany: Ansbach	Child Development Center (Katterbach)	13,300	13,300
Germany: Landstuhl	Child Youth Services Center	5,500	5,500
Italy: Vicenza	Child Youth Services Center	12,000	12,000
Netherlands: Schinnen	Child Development Center (Emma Mine)	11,400	11,400
Worldwide: Unspecified	Planning and Design	81,081	68,081
	Total	1,229,731	1,326,231

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conferees agree to provide $235,881,000 for Military Construction, Navy and Marine Corps as proposed by the House, instead of $243,083,000 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request ($000)	Conference Agreement ($000)
CA: Camp Pendleton	Child Development Center	15,420	15,420
CA: Camp Pendleton	Marine Resource and Recovery Center	24,990	24,990
CA: Camp Pendleton	Wounded Warrior Battalion HQ	9,900	9,900
DC: Washington Navy Yard	Child Development Center	9,340	9,340
HI: Pearl Harbor NS	Child Development Center	32,280	32,280
MD: Annapolis NSA	Child Development Center Expansion	9,720	9,720
MD: Patuxent River NAS	Child Development Center	13,150	13,150
MD: Patuxent River NAS	Child Development Center Addition	3,850	3,850
NC: Camp Lejeune	Child Development Center	13,970	13,970
NC: Camp Lejeune	Marine Resource and Recovery Center	24,960	24,960
NC: Camp Lejeune	Wounded Warrior Battalion HQ	3,601	3,601
NC: New River MCAS	Child Development Center Addition	2,670	2,670
SC: Parris Island MCRD	Child Development Center	14,670	14,670
VA: Little Creek NAB	Child Development Center	15,360	15,360
VA: Quantico MCB	Child Development Center	17,440	17,440
WA: Whidbey Island NAS	Child Development Center	13,560	13,560
Worldwide: Unspecified	Planning and Design	14,150	11,000
	Total	239,031	235,881

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide $281,620,000 for Military Construction, Air Force, instead of $279,120,000 as proposed by the House and $265,470,000 as proposed by the Senate. The agreement includes a provision as proposed by the Senate to require a prefinancing statement for each project in Afghanistan be submitted to NATO before funds can be obligated or expended. The funds are provided as follows:

Location	Project description	Request ($000)	Conference Agreement ($000)
Afghanistan: Bagram AB	CAS Apron	32,000	32,000
Afghanistan: Kandahar	Strategic Airlift Apron	84,000	84,000
Afghanistan: Tarin Kowt	Airlift Apron	9,400	9,400
Afghanistan: Tarin Kowt	Runway	18,500	18,500
Afghanistan: Tombstone/Bastion	CAS Apron	43,000	43,000
Afghanistan: Tombstone/Bastion	Fuels Operation & Storage	2,250	2,250
Afghanistan: Tombstone/Bastion	Expand Munitions Storage Area	51,000	51,000
Germany: Spangdahlem AB	Child Development Center	11,400	11,400
Qatar: Al Udeid AB	Temporary West Munitions Storage Area	15,500	-
Qatar: Al Udeid AB	Relocate South Munitions Storage Area	-	18,000
Worldwide: Unspecified	Planning and Design	13,920	12,070
	Total	280,970	281,620

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees agree to provide $661,552,000 for Military Construction, Defense-Wide, instead of $1,086,968,000 as proposed by the House and $181,500,000 as proposed by the Senate. Within the amount, the conferees agree to provide $488,000,000 for construction of hospitals, $169,500,000 for construction of a National Security Agency data center, and $4,052,000 for construction to support the Vision Center of Excellence at the National Naval Medical Center, Bethesda.

insert B

insert A

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conferees agree to provide $100,000,000 for the North Atlantic Treaty Organization Security Investment Program as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The conferees agree to provide $263,300,000 as proposed by the House instead of $230,900,000 as proposed by the Senate.

S

GENERAL PROVISION-THIS TITLE

The conferees agree to include a modified provision (Sec. 1001) as proposed by the Senate related to the Armed Forces Institute of Pathology.

The conferees do not include a provision proposed by the Senate related to the designation of funds in this title.

A

no R

The conferees also agree to include language as proposed by the Senate to authorize the full cost of construction of the data center at $1,589,500,000.

(B)

National Security Agency Data Center.— The conferees agree to incrementally fund and fully authorize the National Security Agency Data Center at Camp Williams, Utah. The conferees direct the National Security Agency to submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the progress of design and construction of the project, beginning with the end of the fourth quarter of fiscal year 2009 and continuing through the quarter of project completion. This report shall include, at minimum, the amounts obligated and expended to date, the percentage of authorized construction completed, an updated construction and equipment installation timetable, and proposed changes, if any, to the submitted form 1391. The Agency is also directed to promptly notify the committees of any material changes in requirements, cost, or scope. The report and any associated notifications may be submitted in classified form if necessary.

The conferees agree to include a provision (Sec. 1002) to amend title 38 to provide for certain education benefits to the children of a member of the Armed Forces who dies while on active duty.

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TITLE XI

INTRODUCTION

The conference agreement provides $9,700,213,000 for Department of State, Foreign Operations, and Related Programs, which is $2,652,069,000 above the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $997,890,000 for Diplomatic and Consular Programs, to support operations and security requirements for Afghanistan, Pakistan, and Iraq; and to address increased requirements for global activities, which is $403,575,000 above the request. Within the amount provided, $146,358,000 is for Worldwide Security Protection. The funds made available under this heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

Diplomatic and Consular Programs

(Budget authority in thousands of dollars)

Activity	Request	House	Senate	Conference
Afghanistan				
Operations	*123,900*	*169,800*	*173,000*	*159,100*
Air Mobility (non-add)	*[17,000]*	--	*[57,000]*	*[42,000]*
Public Diplomacy (non-add)	*[22,100]*	*[33,000]*	*[31,000]*	*[32,100]*
Worldwide Security Protection	*101,545*	*121,545*	*101,545*	*116,545*
Other Agencies	*137,600*	*157,600*	*135,629*	*137,600*
Subtotal – Afghanistan	363,045	448,945	410,174	413,245
Pakistan				
Operations	*36,462*	*36,462*	*36,462*	*36,462*
Public Diplomacy (non-add)	*[30,900]*	*[30,900]*	*[30,900]*	*[30,900]*
Worldwide Security Protection	*9,078*	*9,078*	*9,078*	*9,078*
Subtotal – Pakistan	45,540	45,540	45,540	45,540
Iraq				
Operations and Security	150,000	486,000	150,000	486,000
Public Diplomacy (non-add)	*[900]*	*[900]*	*[900]*	*[900]*
Subtotal – Iraq	150,000	486,000	150,000	486,000
Global Programs				
Envoys and Special Representatives – Operations	*28,370*	*28,370*	*28,370*	*28,370*

Diplomatic and Consular Programs-Continued				
Activity	Request	House	Senate	Conference
Public Diplomacy - Arab Youth Programs	*0*	*0*	*4,000*	*4,000*
Worldwide Security Protection	*7,360*	*7,360*	*7,360*	*20,735*
Subtotal - Global Programs	35,730	35,730	39,730	53,105
Total, D&CP	594,315	1,016,215	645,444	997,890

The conferees require prior notification of funds appropriated in this title for other Federal agencies, as proposed by the Senate, and direct that with respect to these interagency funds, the spending plan required in section 1104 of this title will be developed in consultation with the heads of the relevant Federal agencies, as proposed by the House.

Afghanistan.—The conference agreement includes $159,100,000 for Afghanistan operations, including $42,000,000 for Department of State air mobility requirements. This includes $25,000,000 for the procurement of additional air wing assets contained in the fiscal year 2010 budget request.

The conference agreement includes language in section 1102 requiring that the uses and oversight of aircraft purchased or leased by the Department of State and USAID shall be coordinated under the authority of the Chief of Mission in Afghanistan. The conferees include this language, modified from the Senate, to ensure oversight, coordination and efficient use of resources.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act on the steps taken to ensure the interoperability of aircraft communications equipment and procedures for the use of air assets by the three primary agencies in Afghanistan - the Department of State, the United States Agency for International Development (USAID) and the Department of Defense.

Iraq.—The conference agreement includes $486,000,000 for Iraq operations, of which $336,000,000 is for activities contained in the fiscal year 2010 budget request to assist in the transition to regularize diplomatic operations.

The conferees require that the Secretary of State submit to the Committees on Appropriations a report on the facilities lease plan for Iraq not later than 90 days after enactment of this Act, as proposed by the House, and direct the Chief of Mission in Iraq to conduct a right-sizing exercise, as proposed by the Senate.

Global Operations.—The conferees require the Secretary of State to submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act accounting for the staff positions and resources dedicated to supporting special envoys, special representatives, coordinators, and similar positions and direct that any transfer of these positions to other bureaus and offices within the Department of State, or any reorganization affecting these

positions, is subject to the regular notification procedures of the Committees on Appropriations, as proposed by the House. In addition, funding under this heading for global operations should be provided to support the Special Envoy for Sudan and the special representative and policy coordinator for Burma.

Public Diplomacy.—The conference agreement includes the transfer of up to $10,000,000 to "International Broadcasting Operations" of the Broadcasting Board of Governors for broadcasting activities to the Pakistan-Afghanistan border region, as proposed by the Senate and similar to that proposed by the House. The conferees recommend that up to $4,000,000 of the funds appropriated in this title for public diplomacy programs be made available through an open and competitive process for new Arabic language television programs for broadcast to Arabic-speaking countries, as proposed by the Senate.

Personnel Report.—The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the promotion process at the Department as it relates to any preferential consideration given for service in Iraq, Afghanistan, and Pakistan as compared to other hardship posts, as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $24,122,000 for Office of Inspector General, which is $16,921,000 above the request. Of the funds provided under this heading, the conferees include language transferring $7,200,000 to the Special Inspector General for Afghanistan Reconstruction (SIGAR) and $7,000,000 to the Special Inspector General for Iraq Reconstruction (SIGIR). The balance of the funds, $9,922,000, is for oversight requirements of the Inspector General of the Department of State, as proposed by the House and similar to that proposed by the Senate.

The conference agreement requires that the Inspector General of the United States Department of State and the Broadcasting Board of Governors, the SIGIR, the SIGAR, and the USAID Inspector General coordinate and integrate the programming of funds made available in fiscal year 2009 for oversight of programs in Afghanistan, Pakistan and Iraq, and direct the Secretary of State to submit to the Committees on Appropriations the annual comprehensive audit plan for Southwest Asia developed by the Southwest Asia Joint Planning Group in accordance with section 842 of Public Law 110-181, as proposed by the House.

The conference agreement also extends to the SIGAR the temporary hiring authority of section 3161 of title 5 of the United States Code, as proposed by both the House and Senate.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $921,500,000 for urgent embassy security, construction, and maintenance costs, which is $22,772,000 above the request. The funds made available under this heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

Embassy Security, Construction, and Maintenance

(Budget authority in thousands of dollars)

Activity	Request	House	Senate	Conference
Afghanistan				
Land Acquisition and Site Development	87,028	87,028	10,000	20,000
Subtotal - Afghanistan	87,028	87,028	10,000	20,000
Pakistan				
Islamabad - Construction/Renovation	*736,500*	*736,500*	*735,500*	*735,500*
Lahore - Acquisition, Mitigation and Development	*29,600*	*29,600*	*29,500*	*29,500*
Peshawar - NOB and Housing	*40,100*	*131,000*	*40,000*	*131,000*
Subtotal - Pakistan	806,200	897,100	805,000	896,000
Global Programs				
Mobile Mail Screening Units	*5,500*	*5,500*	*5,500*	*5,500*
Subtotal - Global Programs	5,500	5,500	5,500	5,500
Total, ESCM	898,728	989,628	820,500	921,500

Civilian Surge.—The conferees urge the Secretary of State to ensure that both office and housing plans accommodate the surge in civilian personnel under the recently announced strategy for Afghanistan and Pakistan. The conferees direct the Secretary of State to ensure that the spending plan required in section 1104 includes detailed information about facilities plans in Afghanistan and Pakistan and how such plans are integrated into the current strategy, as proposed by both the House and Senate.

Property Acquisition in Afghanistan.—The conferees are concerned about the request for the acquisition of land for the expansion of the United States Mission in Afghanistan and direct the Department of State to continue negotiations with the Government of Afghanistan concerning land acquisition for this purpose and notify the Committees on Appropriations on the outcome of these negotiations prior to the obligation of funds for this purpose.

Pakistan Facilities.—The conference agreement includes $896,000,000 for the construction of safe and secure facilities in Pakistan, of which $90,900,000 is contained in the fiscal year 2010 request for housing and offices in Peshawar, as proposed by the House.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $721,000,000 for Contributions for International Peacekeeping Activities (CIPA), which is $115,900,000 below the request. Funding for programs and activities for Somalia is included under the heading "Peacekeeping Operations".

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

The conference agreement includes $157,600,000 for Operating Expenses, which is $5,000,000 above the request. Of the total, $140,000,000 is for Afghanistan operations (including $40,000,000 for aircraft operations); $7,600,000 is for Pakistan operations; and $10,000,000 is for West Bank and Gaza operations.

The conferees direct the USAID Administrator to ensure that the spending plan required in section 1104 includes information about the proposed additional personnel and operating costs for USAID operations in Afghanistan and Pakistan.

Afghanistan Airwing.—USAID should undertake efforts to ensure that its airwing is interoperable and its procedures are consistent with those of the Department of State and the Department of Defense.

Personnel Report.—The conferees direct the USAID Administrator to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act on USAID's promotion process as it relates to any preferential consideration given for service in Iraq, Afghanistan, and Pakistan as compared to other hardship posts, as proposed by the Senate.

CAPITAL INVESTMENT FUND

The conference agreement includes $48,500,000 for Capital Investment Fund, which is the same as the request.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $3,500,000 for Office of Inspector General for increased oversight of programs in Afghanistan and Pakistan, which is $3,500,000 above the request. In addition, the agreement includes language under the heading "Economic Support Fund" transferring $2,000,000 to the Office of Inspector General for oversight of USAID activities in the West Bank and Gaza.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

The conference agreement includes $150,000,000 for Global Health and Child Survival, which is $150,000,000 above the request.

Global Pandemic Preparedness and Response.—The conference agreement provides $50,000,000 to support global pandemic preparedness and response. The conferees expect additional funds to be transferred to USAID for global pandemic preparedness and response activities from the amounts provided under title VIII of this Act.

The conferees include language, proposed by the House, providing authority to the President to use funds appropriated under the headings "Global Health and Child Survival", "Development Assistance", "Economic Support Fund", and "Millennium Challenge Corporation" to combat an H1N1 influenza pandemic, if the President determines that the human-to-human transmission of the virus is virulent, efficient and sustained, severe, spreading internationally to multiple regions, and has been designated by the World Health Organization (WHO) to be at the highest phase of the Global Influenza Pandemic Alert. The conferees are aware of ongoing efforts to clarify the WHO's pandemic definition and reiterate that this authority is only for use if H1N1 is a severe global threat. In the event that the President exercises this authority, the conferees expect the Office of Management and Budget to seek replenishments for any funds reprogrammed from these accounts.

Global Fund.—The conference agreement also includes $100,000,000 for an additional United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, as proposed by the House. The Senate had proposed $50,000,000.

DEVELOPMENT ASSISTANCE

The conference agreement includes no funding for Development Assistance, which is $38,000,000 below the request. Funding for Kenya is provided under the "Economic Support Fund" heading.

Sri Lanka.—The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing incidents during the conflict in Sri Lanka that may constitute violations of international humanitarian law or crimes against humanity, and, to the extent practicable, identifying the parties responsible.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement includes $270,000,000 for International Disaster Assistance, which is $40,000,000 above the revised request, of which not less than $55,000,000 is intended to meet the growing needs of internally displaced persons in Pakistan. The balance of funds is available to meet basic needs of internally displaced persons in Africa, the Middle East, and South and Central Asia, and to respond to other humanitarian crises.

The conferees urge USAID and the Department of State to ensure the provision of humanitarian assistance to those displaced in Sri Lanka. In addition, the conferees encourage the Secretary of State and the USAID Administrator to support, through other relevant assistance accounts, programs that increase and integrate the participation of Tamils in Sri Lankan society and foster reconciliation between ethnic Tamil and Sinhalese communities.

ECONOMIC SUPPORT FUND

The conference agreement includes $2,973,601,000 for Economic Support Fund, which is $30,899,000 below the revised request. Funds made available under the heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

Economic Support Fund

(Budget authority in thousands of dollars)

Country/Program and Activity	Request	House	Senate	Conference
Countries				
Afghanistan				
Afghan Civilian Assistance Program	*0*		*11,000*	*12,000*
Afghan Reconstruction Trust Fund	*85,000*		*115,000*	*115,000*
National Solidarity Program (non-add)	*[20,000]*	*[70,000]*	*[70,000]*	*[70,000]*
Agriculture	*85,000*		*100,000*	*100,000*
Alternative Development	*55,000*		*65,000*	*65,000*
Cross Border Development Program (non-add)	*0*		*[10,000]*	*[10,000]*
Widows Assistance	*0*		*5,000*	*5,000*
Women NGOs	*0*		*30,000*	*30,000*
Capacity Building (non-add)	*0*		*[5,000]*	*[5,000]*
Program Support (non-add)	*0*		*[25,000]*	*[25,000]*
Subtotal, Allocated	225,000	0	326,000	327,000
Unallocated	614,000	839,000	540,000	534,000
Subtotal, Afghanistan	839,000	839,000	866,000	861,000
Pakistan				
Democracy Programs			*10,000*	*10,000*
Humanitarian Assistance/Protection for Vulnerable Populations	*8,000*		*50,000*	*125,000*

Economic Support Fund-Continued

Country/Program and Activity	Request	House	Senate	Conference
Baluchistan and East Indus River Development Programs			*5,000*	*5,000*
Cross Border Development Program (non-add)			*[10,000]*	*[10,000]*
Subtotal, Allocated Pakistan	8,000	0	65,000	140,000
Unallocated	551,500	529,500		399,000
Subtotal, Pakistan	559,500	529,500	439,000	539,000
Iraq				
Community Action Program (CAP)	*35,000*		*50,000*	*50,000*
Democracy and Civil Society	*112,000*		*118,000*	*118,000*
USIP (non-add)		*[7,000]*		*[7,000]*
Iraq Cultural Antiquities	*0*		*2,000*	*2,000*
Marla Fund	*3,500*		*10,000*	*10,000*
Targeted Stability Programs	*0*		*20,000*	*15,000*
Widows Assistance	*5,000*		*5,000*	*5,000*
Subtotal, Allocated	155,500	0	205,000	200,000
Unallocated	293,500	442,000	234,000	239,000
Subtotal, Iraq	449,000	449,000	439,000	439,000
West Bank and Gaza				
	556,000	556,000	556,000	551,000
Subtotal, West Bank and Gaza	556,000	556,000	556,000	551,000
Other Countries				
Burma	13,000	13,000	13,000	13,000
Democratic Republic of the Congo	0	0	10,000	10,000
Egypt	0	50,000	0	50,000
Jordan	0	100,000	150,000	150,000
Kenya	0	18,000	0	35,000
North Korea	95,000	0	0	0
Somalia	0	10,000	10,000	10,000
Sudan	0	15,000	0	10,000
Yemen	0	0	15,000	10,000
Zimbabwe	45,000	28,000	45,000	40,000
Subtotal, Other Countries	153,000	234,000	243,000	328,000
Program				
Assistance to Developing Countries Affected by the Global Financial Crisis	448,000	300,000	285,000	255,601
Subtotal, Program	448,000	300,000	285,000	255,601
Total - ESF	3,004,500	2,907,500	2,828,000	2,973,601

Africa

Democratic Republic of the Congo (DRC).—The conference agreement includes $10,000,000 for programs and activities to assist victims of gender-based violence in the DRC.

Somalia.—The conference agreement includes $10,000,000 to support programs to provide employment opportunities for youth and to support capacity building of governmental institutions and civil society organizations to promote good governance.

East Asia and Pacific

Burma.—The conference agreement includes $13,000,000 for assistance for Burma, of which $10,000,000 is for continuing humanitarian assistance to Cyclone Nargis-affected areas inside Burma and $3,000,000 is for humanitarian assistance for refugees, migrants in Thailand, and internally displaced persons. The conferees direct the Department of State and USAID to ensure that no assistance flows to or through the Burmese government, its bureaucracy, or regime-affiliated organizations, such as government-organized NGOs.

The conferees direct the Comptroller General of the United States to conduct an assessment of the assistance provided by the United States in response to Cyclone Nargis in Burma, as proposed by the Senate, as well as an assessment of the methods of delivery, effectiveness, and accountability of humanitarian and development assistance for Burma from other donors.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 30 days after enactment of this Act that details the findings and recommendations of the Department of State's review of United States policy toward Burma.

Near East

Iraq.—The conference agreement includes $439,000,000 for assistance for Iraq. The conferees direct the Department of State and USAID to clarify to the Committees on Appropriations the funding streams for democracy and governance program implementers in the fiscal year 2010 budget request.

The conference agreement includes $2,000,000 for the preservation of Iraqi cultural antiquities to be administered by the Ambassador's Fund for Cultural Preservation, and directs the Department of State to consult with the Committees on Appropriations prior to the obligation of funds for these activities.

The conferees are concerned about the treatment of women in Iraq, and urge the Department of State and USAID to continue efforts to encourage the incorporation of women in stabilizing Iraq and creating its government institutions. The conferees are also concerned about the plight of women and religious minorities, including Iraqi Christians, amongst displaced and refugee populations and urges that programs of support for displaced and refugee populations take into account the needs of these minority groups.

Jordan.—The conference agreement includes $150,000,000 for assistance for Jordan to help mitigate the impact of the global economic crisis including for health, education, water and sanitation, and other impacts resulting from refugee populations in Jordan.

West Bank and Gaza.—The conference agreement includes not more than $551,000,000 for economic and humanitarian assistance for the West Bank and Gaza, which is $5,000,000 below the request. The conferees note that $5,000,000 for USAID admininstrative expenses are included under the heading "Operating Expenses". Of the amount provided, up to $200,000,000 is available for cash transfer assistance to the Palestinian Authority in the West Bank. The conferees continue the prohibition on salaries for personnel of the Palestinian Authority located in Gaza. The conferees continue all terms and conditions of division H of Public Law 111-8 with respect to assistance for the West Bank and Gaza.

Yemen.—The conference agreement includes $10,000,000 for assistance for Yemen to support education and other programs and activities administered by USAID, consistent with the Tribal Engagement Plan.

South and Central Asia

Afghanistan.—The conference agreement includes $861,000,000 for assistance for Afghanistan, and provides that not less than $150,000,000 appropriated in fiscal year 2009 for assistance for Afghanistan under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" shall be made available to support programs that directly address the needs of Afghan women and girls. The conferees direct USAID and the Special Envoy for Afghanistan and Pakistan to consult with the Department of State's Ambassador-at-Large for Global Women's Issues concerning the use of these funds. The conferees direct USAID to increase its support for Afghan women's organizations that address the needs and rights of Afghan women and girls. The conference agreement provides not less than $5,000,000 for capacity building for Afghan women-led nongovernmental organizations, and not less than $25,000,000 to support programs and activities of such organizations, including to provide legal assistance and training for Afghan women and girls about their rights, and to promote women's health (including mental health), education, and leadership.

The conferees also direct that not less than $70,000,000 shall be made available for the National Solidarity Program in Afghanistan.

Pakistan.—The conference agreement includes $539,000,000 for assistance for Pakistan. The conferees recognize that funds may be considered for direct budget support for the Government of Pakistan, and direct that a bilateral agreement be in place prior to the provision of any direct budget support. Such an agreement should be structured to provide maximum accountability and oversight, and should contain conditions for disbursements of funds and detailed monitoring and reporting requirements. Funds should be deposited in a separate, traceable account and be allocated toward operations in specific sectors. The Secretary of State is directed to consult with the Committees on Appropriations prior to the provision of any budget support, including on the amounts, uses and oversight of such funds as well as on the bilateral agreement.

The conferees intend that the majority of the $399,000,000 in unallocated assistance for Pakistan be used to support programs in the Federally Administered Tribal Areas and the North-West Frontier Province to counter the influence of violent extremists through local initiatives, including infrastructure, health, education, governance, rule of law, and employment opportunities. USAID's Office of Transition Initiatives should be utilized to the maximum extent practicable in implementing such programs.

The conferees direct the USAID Administrator to consult with the Committees on Appropriations on the use of up to $5,000,000 to establish and implement a program in Pakistan modeled on the Afghan Civilian Assistance Program, to assist families and communities that suffer losses as a result of the military operations.

The conferees also direct the Secretary of State to submit a report not later than 180 days after enactment of this Act detailing a multi-year strategy to promote democracy and good governance in Pakistan, including funding requirements to implement such a strategy.

Cross Border Programs.—The conferees recommend up to $20,000,000 from within the amounts provided for Afghanistan and Pakistan for a new cross border stabilization and development program between Afghanistan and Pakistan or between either country and the Central Asian republics to strengthen governance and the rule of law, enhance access to media, support small-scale energy development, create educational and employment opportunities particularly for Afghan and Pakistani youth, and promote regional cooperation, stability, and security. The Special Representative for Afghanistan and Pakistan at the Department of State shall administer these funds, in consultation with USAID and the Department of Defense.

Other

Global Financial Crisis.—The conference agreement includes $255,601,000 for assistance for vulnerable populations in developing countries affected by the global financial crisis. The Department of State and USAID are directed to report to the Committees on Appropriations not later than 45 days after enactment of this Act and prior to the obligation of funds on implementation of this program, including on the transfer of funds to the Overseas Private Investment Corporation and to the Development Credit Authority. The report should include detailed information on the programming of funds and the results of a review, and reprogramming, if appropriate, of existing USAID programs in targeted countries.

In addition, the conferees direct that funding provided to the Millennium Challenge Corporation (MCC) in prior acts may be reprogrammed to mitigate the impact of the global financial crisis in MCC compact or threshold countries.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

The conference agreement includes $272,000,000 for Assistance for Europe, Eurasia and Central Asia, of which $242,000,000 is for assistance for Georgia, and $30,000,000 is for assistance for the Kyrgyz Republic to improve air traffic control and safety, as proposed by the

Senate, which is $29,500,000 above the request. The conference agreement includes permissive authority to expand the availability of funds to other Eurasian countries allowing flexibility to the Department of State to address unanticipated events.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement includes $487,500,000 for International Narcotics Control and Law Enforcement, which is $98,000,000 above the request. Funds made available under the heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

International Narcotics Control and Law Enforcement

(Budget authority in thousands of dollars)

Country/Activity	Request	House	Senate	Conference
Afghanistan				
Good Performers Initiative	*23,000*	*23,000*	*20,000*	*23,000*
Combating Violence Against Women and Girls	-	-	*10,000*	*10,000*
Unallocated	-	*106,000*	*103,000*	*100,000*
Subtotal, Afghanistan	129,000	129,000	133,000	133,000
Iraq	20,000	20,000	20,000	20,000
Mexico	66,000	160,000	66,000	160,000
Pakistan	65,500	65,500	65,500	65,500
West Bank and Gaza	109,000	109,000	109,000	109,000
Total - INCLE	389,500	483,500	393,500	487,500

Afghanistan.—The conferees remain concerned with continuing reports of violence against women and girls in Afghanistan, who lack adequate protection by the police or recourse from the Afghan judicial system. The conference agreement provides not less than $10,000,000 to train and support Afghan women investigators, police officers, prosecutors and judges with specific responsibility for investigating, prosecuting, and punishing crimes of violence against women and girls.

The conferees intend that the Secretary of State and the USAID Administrator, in cooperation with the Secretary of Defense, will ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act, detailing how such training addresses current and future civilian-military coordination requirements.

Mexico.—The conference agreement includes $160,000,000 for assistance for Mexico, and requires the Department of State to submit to the Committees on Appropriations a spending plan for such funds not later than 45 days after enactment of this Act.

The conference agreement provides that none of the funds appropriated in this title shall be used for the cost of fuel for aircraft purchased with funds provided in this title for Mexico, or to support the operations and maintenance costs of aircraft purchased by the Government of Mexico.

The conferees direct the Secretary of State to submit a report to the Committtees on Appropriations not later than 45 days after enactment of this Act detailing actions taken by the Government of Mexico since June 30, 2008, to investigate, prosecute, and punish violations of internationally recognized human rights by members of the Mexican Federal police and military forces, and to support a thorough, independent, and credible investigation of the murder of American citizen Bradley Roland Will.

Palestinian Security Forces.—The conferees support continued funding for the training of Palestinian Security Forces, and direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act, in classified form if necessary, on the use of assistance provided by the United States for the training of Palestinian security forces, including the training, curriculum, and equipment provided, an assessment of the effectiveness of the training and the performance of forces after training is completed, and an assessment of factors that limit the operational capabilities of forces trained.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement includes $102,000,000 for Nonproliferation, Anti-Terrorism, Demining and Related Programs, which is $20,000,000 below the request. Within the total, $77,000,000 is provided for the Nonproliferation and Disarmament Fund for nuclear dismantlement and related activities, as well as for border security equipment, training, and program management to prevent smuggling of illicit goods into Gaza.

The conference agreement includes a provision that the Secretary of State shall work assiduously to facilitate the regular flow of people and licit goods in and out of Gaza at established border crossings. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and every 90 days thereafter until September 30, 2010, detailing progress in this effort.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement includes $390,000,000 for Migration and Refugee Assistance, which is $57,000,000 above the revised request to respond to urgent humanitarian requirements

for refugees and internally displaced persons (IDPs) in the Middle East, South and Central Asia, including Pakistan and Sri Lanka, Southeast Asia, Africa, Colombia and other refugees and IDPs around the world.

United Nations Relief and Works Agency (UNRWA).—The conference agreement provides up to $119,000,000 for UNRWA for activities in the West Bank and Gaza. The Secretary of State is to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, on whether UNRWA is: (1) utilizing Operations Support Officers in the West Bank and Gaza to inspect UNRWA installations and report any inappropriate use; (2) acting promptly to deal with any staff or beneficiary violations of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961; (3) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961; (4) continuing regular reporting to the Department of State on actions it has taken to ensure conformance with the conditions of section 301(c) of the Foreign Assistance Act of 1961; (5) taking steps to improve the transparency of all educational materials currently in use in UNRWA-administered schools; (6) using curriculum materials in UNRWA-supported schools and summer camps designed to promote tolerance, non-violent conflict resolution and human rights; (7) not engaging in operations with financial institutions or related entities in violation of relevant United States law and is enhancing its transparency and financial due diligence and working to diversify its banking operations in the region; and (8) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

The conference agreement includes $185,000,000 for Peacekeeping Operations (PKO), which is $135,000,000 above the request. The conferees do not include the transfer authority to allow funds to be shifted between accounts, as proposed by the Senate.

Democratic Republic of the Congo (DRC).—The conference agreement includes $15,000,000 for the DRC, which is $5,000,000 above the request, for training costs and procurement of equipment to support a professional rapid reaction force, as proposed by the Senate. The conferees direct that any training of a rapid reaction force provided with the use of PKO funding from this or prior acts, shall ensure that all members and units be trained in the fundamental principles of respect for human rights and protection of civilians with a focus on the prevention of rape and other sexual abuse.

Multinational Force and Observer Mission (MFO).—The conference agreement provides $2,000,000 for the MFO in the Sinai for activities that facilitate communications between the parties to the Treaty of Peace.

Somalia.—The conference agreement provides $168,000,000 for assistance for Somalia, of which $115,900,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia and $52,100,000 may be used for security sector reform.

The conferees are concerned with the recent surge of piracy off the coast of the Horn of Africa and direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, on the feasibility of creating an indigenous maritime capability in Somalia to combat piracy.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement includes $2,000,000 for International Military Education and Training, which is the same as the request, for education and training of Iraqi Security Forces.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement includes $1,294,000,000 for Foreign Military Financing Program (FMF), which is $1,195,600,000 above the request.

Mexico.—The conference agreement includes $260,000,000 to expand aviation support for the Mexican Navy, and includes language to ensure the expeditious delivery of such equipment.

Lebanon.—The conference agreement includes $69,000,000 for assistance for Lebanon. The conferees direct that no assistance may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on the vetting procedures in place to determine eligibility to participate in United States training and assistance programs funded under this account.

The conferees direct the Secretary of State to report on the procedures in place to ensure that no funds are provided to any individuals or organizations that have any known links to terrorist organizations including Hezbollah, and mechanisms to monitor the use of the funds.

The conferees direct that the Department of State consult with the Committees on Appropriations prior to the obligation of funds provided for assistance for Lebanon in this title.

Security Assistance to Near East Countries.—The conference agreement includes funding for a portion of the fiscal year 2010 budget request for security assistance for Jordan, Egypt, and Israel, the amounts of which are not in addition to the funds requested for fiscal year 2010.

Jordan.—The conference agreement provides $150,000,000 for assistance for Jordan, as proposed by the House. The fiscal year 2010 budget request, based upon a Memorandum of Understanding between the United States and Jordan, totals $300,000,000.

Egypt.—The conference agreement provides $260,000,000 for FMF grants for Egypt, which shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York not later than October 30, 2009, similar to that proposed by the House. The fiscal year 2010 budget request totals $1,300,000,000.

Israel.—The conference agreement provides $555,000,000 for FMF grants for Israel, which shall be available not later than October 30, 2009, similar to that proposed by the House. The fiscal year 2010 budget request, based upon a Memorandum of Understanding between the United States and Israel, totals $2,775,000,000. The conference agreement provides that to the extent that the Government of Israel requests that FMF grant funds for Israel be used for such purposes, and as agreed by the United States and Israel, funds may be made available for advanced weapons systems, of which $145,965,000 shall be available for the procurement in Israel of defense articles and services, including research and development.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $700,000,000 for a new Pakistan Counterinsurgency Capability Fund (PCCF) under the Department of State, which becomes available on September 30, 2009 and remains available through fiscal year 2011. The conferees support the Administration's efforts to increase the counterinsurgency capability of the Pakistani security forces to help Pakistan defeat the extremist networks that are operating within its territory. As the Secretary of State is the principal adviser to the President on foreign policy matters, the conferees believe the PCCF should be under the authority of the Department of State. The conferees note that the Department of State possesses the institutional capacity to manage this account, working in close coordination with the Department of Defense. The conferees also provide funding for the PCCF for fiscal year 2009 to the Department of Defense and direct the Secretary of State and the Secretary of Defense to jointly develop a plan for transitioning the PCCF from the Department of Defense to the Department of State for fiscal year 2010. The conferees expect the Department of State to consult closely on the uses of the PCCF to ensure that the funds are obligated and expended in a timely manner, and sufficient oversight mechanisms exist.

GENERAL PROVISIONS, THIS TITLE

The conference agreement includes the following general provisions for this title:

EXTENSION OF AUTHORITIES

The conference agreement extends certain authorities necessary to expend Department of State and foreign assistance funds.

AFGHANISTAN

The conference agreement imposes certain conditions and limitations on assistance for Afghanistan, including assistance for Afghan women and girls, contracts and grants, acquisition of land, United Nations Development Program (UNDP), the National Solidarity Program, airwing implementation, and anticorruption. The conferees are aware of the efforts by UNDP and USAID to resolve concerns related to program implementation and these efforts should continue.

ALLOCATIONS

The conference agreement requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this joint statement, as proposed by the Senate and similar to that proposed by the House. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

SPENDING PLAN AND NOTIFICATION PROCEDURES

The conference agreement requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in this title, similar to that proposed by the House and Senate. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

GLOBAL FINANCIAL CRISIS

The conference agreement provides for assistance for countries severely affected by the global financial crisis, requires the Secretary of State to submit a report prior to making assistance available, and provides authority to transfer funds to the Development Credit Authority and the Overseas Private Investment Corporation. The provision includes reprogramming authority to the MCC.

IRAQ

The conference agreement provides certain conditions and limitations relating to assistance for Iraq, including matching funds, as proposed by the Senate.

PROHIBITION ON ASSISTANCE TO HAMAS

The conference agreement prohibits assistance to Hamas or any entity effectively controlled by Hamas, and further prohibits assistance to any power-sharing government of which Hamas is a member unless such government, including all of its ministers or such equivalent, has met certain conditions. The conferees believe that a public acceptance should be an acceptance in writing by such government and its ministers, as proposed by the House and Senate.

TERMS AND CONDITIONS

The conference agreement stipulates that unless designated otherwise in this title, the terms and conditions contained in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated by this title, except sections 7070(e) with respect to funds made available for macroeconomic growth assistance for Zimbabwe, and 7042(a) and (c), as proposed by the House and similar to that proposed by the Senate.

MULTILATERAL DEVELOPMENT BANKS REPLENISHMENTS

The conference agreement amends permanent law to authorize appropriations for the fifteenth replenishment of the International Development Association and the eleventh replenishment of the African Development Fund, including the Multilateral Debt Relief Initiative, as proposed by the Senate.

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

The conference agreement amends permanent law regarding the World Bank's "Doing Business Report" and World Bank policies relating to the Inspection Panel, as proposed by the Senate.

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

The conference agreement amends permanent law regarding World Bank policies relating to greenhouse gas accounting and climate change mitigation, as proposed by the Senate.

MULTILATERAL DEVELOPMENT BANK REFORM

The conference agreement requires the Secretary of the Treasury to seek to ensure that the multilateral development banks disclose their operating budgets, rigorously evaluate their programs and financing, and endorse the Extractive Industry Transparency Initiative. It also requires coordination between the Secretary of the Treasury, Secretary of State, USAID Administrator, and other relevant Federal agencies, on United States policy relating to the development activities of the World Bank Group, as proposed by the Senate.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

The conference agreement authorizes locality pay adjustments for fiscal year 2009 for members of the Foreign Service stationed overseas comparable to that if such member's official duty station were in the District of Columbia, as proposed by the Senate.

REFUGEE PROGRAMS AND OVERSIGHT

The conference agreement provides that up to $119,000,000 from funds appropriated under the "Migration and Refugee Assistance" heading in this title may be made available to

UNRWA for the West Bank and Gaza and transfers $1,000,000 of the funds made available under the "Economic Support Fund" heading to the Inspector General of the Department of State for oversight of activities in the West Bank, Gaza and surrounding region, similar to that proposed by the House. The agreement includes the UNRWA report requirement proposed by the House in modified form under the "Migration and Refugee Assistance" heading in this joint statement.

TECHNICAL AND OTHER PROVISIONS

The conference agreement includes the following technical and other provisions: subsection (a) of this provision modifies a limitation in current law regarding assistance for Egypt, similar to that proposed by the Senate; subsection (b) applies the regular notification procedures to funds that are transferred to the Department of State or USAID, similar to that proposed by the Senate; subsection (c) authorizes USAID to recruit retired Civil Service employees as re-employed annuitants to serve in Iraq, Afghanistan, or Pakistan through 2010, similar to that proposed by the Senate; subsection (d) authorizes a financial incentive to employees who agree to remain in these posts for an additional year through 2010, similar to that proposed by the Senate; and subsection (e) provides certain transfer authority, as proposed by the Senate.

AFGHANISTAN AND PAKISTAN COMMITMENT AND CAPABILITIES REPORT

The conference agreement requires that the President report to the Committees on Appropriations on whether the Governments of Afghanistan and Pakistan are demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009, similar to that proposed by the House.

UNITED STATES POLICY REPORT ON AFGHANISTAN AND PAKISTAN

The conference agreement requires a report on the objectives of United States policy in Afghanistan and Pakistan, metrics to assess progress in achieving the objectives, an assessment of progress, and recommendations for additional resources or authorities, if any, similar to that proposed by the Senate.

The conference agreement does not include a provision proposed in the request providing the availability of assistance for Burma and Afghanistan notwithstanding any other provision of law. The conference agreement includes limited notwithstanding authority for Burma under the heading "Economic Support Fund" and a limited notwithstanding authority for Zimbabwe in section 1108. The conferees also provide limited notwithstanding authority for Afghanistan. The conference agreement does not include House sections 21006 (Somalia) and Senate sections 1103 (Burma), 1108 (Mexico), 1115 (Assistance for Pakistan), 1116 (Special Authority), 1120 (Overseas Deployments), and 1122 (Additional Amount for Assistance for Georgia).

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TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

The agreement provides $13,200,000 from the Airport and Airway Trust Fund to remain available until expended to carry out the essential air service program as proposed by the Senate. The House did not include a similar provision.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The agreement rescinds $13,200,000 in excess Grants-in-Aid for Airports contract authority, as proposed by the Senate. The House did not include a similar provision.

GENERAL PROVISIONS—THIS TITLE

Section 1201 removes a limitation that prevents the State of North Dakota from spending more than $10,000,000 of highway funding from the emergency relief program in any given year on the repair and strengthening of the roads surrounding Devils Lake, as proposed by the Senate. The House did not include a similar provision.

Section 1202 allows transit agencies to use up to 10 percent of the formula grants provided in the American Recovery and Reinvestment Act (ARRA) for operating expenses. The conferees modified the original Senate language to clarify that 10 percent of the funds provided in ARRA for intercity bus service shall also be available to cover operating expenses which is consistent with existing law. The House did not include a similar provision.

Section 1203 includes a provision proposed by the Senate which replaces the $50,000,000 allocation provided in Public Law 110-329 with an $80,000,000 allocation, and designates this funding for tenant-based Section 8 funding for all areas affected by Hurricanes Katrina and Rita. The House did not include a similar provision.

Section 1204 clarifies that eligible recipients for the funds provided in ARRA for gap financing include owners of affordable housing tax credits under section 1400N of the Internal Revenue Code of 1986, known as "disaster credits" or "Go Zone" credits, as well as owners of projects that receive low income housing tax credits under section 42(h) of the Internal Revenue Code of 1986, as proposed by the Senate. The House did not include a similar provision.

Section 1205 includes a new provision which clarifies prevailing wage requirements for housing funds provided in ARRA.

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TITLE XIII—CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

The conference agreement includes a new title providing $1 billion for vouchers of $3,500 or $4,500 to be applied toward the purchase or lease of a new fuel efficient automobile or truck from July 1-November 1, 2009. To qualify for a voucher under this authority the vehicle turned in must be scrapped, and the purchased vehicle must achieve greater fuel efficiency than the vehicle to be turned in.

TITLE XIV—OTHER MATTERS

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND

The conference agreement provides for an increase in the United States quota in the International Monetary Fund (the Fund), as requested, of approximately 5 billion in Special Drawing Rights (SDRs), valued at approximately $8,000,000,000, in order to maintain its current voting share and veto power within the organization, as proposed by the Senate.

LOANS TO INTERNATIONAL MONETARY FUND

The conference agreement provides for loans to the Fund, as requested, of the dollar equivalent of up to 75 billion SDRs. This will enable the United States to increase its share of the New Arrangements to Borrow, which establishes a set of credit lines extended to the Fund, from approximately $10,000,000,000 (6.6 billion SDRs) to the equivalent of $100,000,000,000, as proposed by the Senate.

GENERAL PROVISIONS – INTERNATIONAL ASSISTANCE PROGRAMS

SEC. 1401. The conference agreement includes a provision, as requested, authorizing the Secretary of the Treasury to instruct the United States Executive Director of the Fund to consent to amendments to the New Arrangements to Borrow and to make loans, in an amount not to exceed the dollar equivalent of 75 billion SDRs, in addition to amounts previously authorized, as proposed by the Senate.

SEC. 1402. The conference agreement includes a provision, as requested, authorizing the United States Governor of the Fund to agree to and accept amendments to the Articles of Agreement of the Fund as proposed in resolutions approved by the Fund's Board on April 28, 2008 and May 5, 2008. The provision further authorizes the United States Governor of the Fund, as requested, to consent to an increase in the United States quota in the Fund equivalent to 43,973,100,000 SDRs. The provision also authorizes the Secretary of the Treasury, as requested, to instruct the United States Executive Director of the Fund to agree to the sale of 12,965,649 ounces of the Fund's gold. Since the Fund relies primarily on income from lending operations to finance lending activities and expenses, the sale of gold will finance an endowment, the return on which will finance a portion of its administrative expenses. The conferees direct the Secretary of the Treasury to seek to ensure that the Fund provides support to low-income countries by making available Fund resources of not less than $4,000,000,000 and that such resources should be provided as loans with substantial concessionality and debt service payment relief and/or grants, as proposed by the Senate.

SEC. 1403. The conference agreement requires the Secretary of the Treasury, in consultation with the United States Executive Director of the World Bank and the Executive Board of the Fund, to submit a report detailing the steps taken to coordinate the activities of the

World Bank and the Fund to avoid duplication of missions, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of Fund activities. The conference agreement requires the United States Executive Director of the Fund to use the voice and vote of the United States to oppose any loan, project, agreement, or other activity that imposes budget constraints, and to promote social spending in the country. All provisions were proposed by the Senate.

SEC. 1404. The conference agreement includes a provision that amends the International Financial Institutions Act to require the United States Executive Director at each of the International Financial Institutions (as defined in section 1701(c)(2) of this Act) to use the voice and vote of the United States to oppose the provision of loans or other use of the funds of the respective institution to any country the government of which has repeatedly provided support for acts of international terrorism.

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GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

Sec. 14101. The conference agreement includes a provision proposed by both the House and Senate that limits the availability of funds provided in this Act.

OVERSEAS DEPLOYMENTS AND EMERGENCY DESIGNATIONS

Sec.14102. The conference agreement includes a global designation, as proposed by the House, providing that each amount in titles I, II, IV, V, VII, VIII, IX, XII, XIII, XIV, and VI, except amounts under the heading "Coast Guard Operating Expenses", is designated as 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. The agreement also includes a global designation, as proposed by the House, providing that all other amounts in the bill, except certain amounts rescinded in section 309 of the conference report, are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress). The Senate included emergency and overseas deployment designations on an account-by-account basis.

RESTRICTIONS AND REQUIREMENTS REGARDING THE TRANSFER AND RELEASE OF GUANTANAMO BAY DETAINEES

Sec.14103. The conference agreement includes language prohibiting current detainees from being released in the continental United States, Alaska, Hawaii or D.C. The agreement also prohibits current detainees from being transferred to the U.S., except to be prosecuted, and only 45 days after Congress receives a plan detailing the risks involved and a plan for mitigating such risk; cost of the transfer; legal rationale and court demands; and a copy of the notification provided to the Governor of the receiving state (or the Mayor of the District of Columbia) 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk.

Under the conference agreement, current detainees cannot be transferred or released to another country unless the President submits to Congress 15 days prior to such transfer: (a) the name of the individual and the country to which the individual will be transferred; (b) an assessment of risks posed and actions taken to mitigate such risks; and (c) the terms of the transfer agreement with the other country, including any financial assistance. Finally, the agreement includes language requiring the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed.

The conference agreement deletes the language included in title II of the Senate amendment that prohibited the use of funds appropriated or made available by this or any prior Act to transfer, release or incarcerate Guantanamo detainees to or within the U.S.

The conference agreement also deletes a provision proposed by the House that required the President to submit to Congress by October 1, 2009 a comprehensive plan on the proposed disposition of the Guantanamo Bay detention facilities.

CONFERENCE TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2009 recommended by the Committee of Conference, comparisons to the 2009 budget estimates, and the House and Senate bills for 2009 follow:

(In thousands of dollars)	
Budget estimates of new (obligational) authority, fiscal year 2009	92,145,120
House bill, fiscal year 2009	96,716,971
Senate bill, fiscal year 2009	91,283,119
Conference agreement, fiscal year 2009	105,850,549
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2009	+13,705,429
House bill, fiscal year 2009	+9,133,578
Senate bill, fiscal year 2009	+14,567,430

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NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 13) agreed to by Congress for fiscal year 2010 includes provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions contained in the conference agreement meet the criteria for emergency spending as identified in the budget resolution.

The conference agreement contains emergency funding for fiscal year 2009 primarily for natural disasters and the threat of pandemic influenza. Funding for natural disasters includes, but is not limited to, wildland fires, flooding in the Upper Midwest and Pacific Northwest, for ice storms, for Katrina hurricane recovery and subsequent storms, including Hurricanes Ike and Gustav in the gulf coast region, and for other needs. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically prevention of pandemic influenza and other disasters. These needs meet the criteria for emergencies.

DISCLOSURE OF CONGRESSIONAL EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each House Member, Delegate, Resident Commissioner, or Senator who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

TITLE IV—ENERGY AND WATER DEVELOPMENT
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
Flood Control and Coastal Emergencies	Mississippi Barrier Island Restoration	$439,000,000	Cochran, Wicker
General Provision	Upper Newport Bay, California		Feinstein

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
General Provision	Amendment to Federal Deposit Insurance Act—Interest rate ceilings		Lincoln

TITLE VI—HOMELAND SECURITY
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
General Provision	Jones Act Waiver—Drydock ALABAMA, AL		Bonner, Shelby
General Provision	Jones Act Waiver—Vessel MARYLAND INDEPENDENCE, MD		Ruppersberger
General Provision	Communications System, MS		Cochran, Wicker
General Provision	Hurricanes Katrina/Rita—Case Management, MS		Cochran
General Provision	Hurricanes Katrina/Rita—Primary and Secondary School Repair Reimbursement, LA		Landrieu
General Provision	Hurricane Ike—Disaster Assistance Direct Loans, TX		Hutchison
General Provision	Reimbursements for Presidentially Declared Disasters—TX, LA, KY, WV *		Edwards (TX), Culberson, Hutchison, Melancon, Alexander (LA), Landrieu, Vitter, Rogers (KY), Byrd

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TITLE X—MILITARY CONSTRUCTION
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
Military Construction, Army	Mississippi Army Ammunition Plant Hurricane Damage Repair	$49,000,000	Cochran, Taylor
Military Construction, Navy	Vision Center of Excellence, Maryland	$4,052,000	Murray, Boozman, Nye, Walz

TITLE XII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT
[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
Federal-aid Highway Program, Emergency Relief	Devils Lake Roads, North Dakota		Dorgan, Conrad

*Item was neither committed to the conference committee by either House nor in a report of a committee of either House on either bill.

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Managers on the part of the
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JOHN P. MURTHA

NITA M. LOWEY

ROSA L. DeLAURO

CHET EDWARDS

~~JERRY LEWIS~~

~~C.W. BILL YOUNG~~

~~KAY GRANGER~~

Managers on the part of the
SENATE

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ROBERT C. BYRD

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BARBARA A. MIKULSKI

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PATTY MURRAY

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DIANNE FEINSTEIN

RICHARD J. DURBIN

TIM JOHNSON

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JACK REED

FRANK R. LAUTENBERG

BEN NELSON

MARK PRYOR

JON TESTER

ARLEN SPECTER
(FY09 War Supplemental 6/12/09)

THAD COCHRAN

CHRISTOPHER S. BOND

MITCH MCCONNELL

~~RICHARD C. SHELBY~~

JUDD GREGG

ROBERT F. BENNETT

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