Other Funding Provisions
The State/Foreign Operations Appropriations Act provides additional funding, not to exceed $466.8 million, for Iraq’s reconstruction. (This ceiling does not apply to funds for Iraq that may be derived through regional funding within individual appropriations accounts.)

The conference report provides specific allocations by program for Iraq, including up to $382.5 million for the Economic Support Fund (ESF). The conference report further provides that from the ESF, $5 million should be provided to the Marla Ruzicka Iraqi War Victims Fund, $50 million for the Civilian Assistance Program, $126 million for “Democracy and Civil Society,” of which $10 million should be for the Iraqi women’s democracy initiative, $50 million for USAID’s Ministerial Capacity Development program, and $10 million for Iraqi minority populations.

The conferees state that the GOI should assume full responsibility for support of ministerial capacity development programs in the future.

With respect to the allocation for assistance to minority populations, the conferees refer specifically to “religious groups in the Nineveh Plains region” and direct the Secretary of State to submit a report within 90 days of the date of enactment of the Act on the “unique needs of minority populations in Iraq, including security requirements, organizations that have received funding from the Department of State and USAID for programs to assist such populations, and the total amount of funds provided for such purposes.”

The conference report also calls for up to $52 million for the International Narcotics Control and Law Enforcement (INCLE) account. The conferees direct that none of those funds be used for new construction.

In addition, unspecified amounts are permitted to be allocated for Iraq from the Non-proliferation,
Anti-terrorism, Demining, and Related Programs (NADR) account and International Military Education and Training (IMET) program and, possibly, other programs. The statutory ceiling for Iraq of $466.8 million will accommodate both the requested levels of $30.3 million for NADR and $2 million for IMET, as well as the amounts allocated for ESF and INCLE.

The conferees indicate their concern about security costs and their relation to benefits of programs conducted in Iraq and ask that the Department of State and USAID consult jointly about the decision-making processes used to compare those costs and benefits.

**General Provisions**

The act provides that “[n]one of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.”

The act continues previous requirements that funds appropriated for assistance for Iraq shall be made available, to the maximum extent practicable, in a manner that utilizes Iraqi entities and in accordance with the Department of State’s April 9, 2009, “Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects.”

A general provision (not specifically related to Iraq) requires:

> the Secretary of State to maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources, and to submit a report to the Committees on Appropriations summarizing such evidence for each individual on the list. The conferees note that past reports have been deficient and direct that future reports provide the required information, in a classified form if necessary. Any individual on the list shall be ineligible for admission to the United States. The conferees, recognizing the need to broaden sanctions against those who engage in corrupt practices, direct the Secretary to urge other governments to take similar steps.

The act does not include a former provision of Public Law 111-8 (section 7042), applicable to prior years, which made certain funds for assistance to Iraq “available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.”

**Department of Defense Appropriations Act**

During the consideration of the Department of Defense Appropriations Act, 2010, the Chairman of the House Subcommittee on Defense, Representative Murtha, caused an “explanatory statement” to be printed in the Congressional Record, which, according to section 8124 of the act, is to be treated as if it were a joint explanatory statement of a conference committee.

**CERP**

The act does not provide any funds for Iraq reconstruction other than through the Commander’s Emergency Response Program (CERP). Up to $1.2 billion is allocated from Operations and Maintenance, Army, for the CERP, of which $200 million is allocated for use in Iraq by the explanatory statement.

The act requires that $500 million of the $1.2 billion be withheld from availability pending the completion and submission of a “thorough review” of the CERP. It does not specify whether the funds need to be withheld from use in either Iraq or Afghanistan.

The explanatory statement further provides:

> This report shall include: the process by which CERP budget requests are generated and justified; existing management and oversight of CERP funds and contracts by the Department of the Army, the Undersecretary of Defense, Comptroller, and U.S. Central Command; the number of personnel required and the number of personnel currently deployed to Afghanistan with Joint Contracting Command and U.S. Forces–Afghanistan specifically in support of CERP; a separate assessment for Iraq and Afghanistan of the goals, purpose and expected requirement for CERP funds in the coming year; the coordination process of projects with other U.S. government agencies and Non-Governmental Organizations carrying out projects in Iraq and Afghanistan; the requirements for the sustainment...
of projects carried out under CERP; the procedures for ensuring that projects carried out under CERP are coordinated with the host governments and local community leaders; and the process and systems for tracking projects carried out under CERP. Additionally, the Secretary of Defense is directed, as part of the program review, to report on the advisability of establishing a program office for CERP to be responsible for the development of budgets, strategic plans, program controls, requirements for program coordination, and standards for training.

**Restrictions on the Use of Funds**
The act continues provisions prohibiting the use of appropriated funds “to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq,” or “to exercise United States control over any oil resource of Iraq.”

**Medical Treatment for Contractors**
The explanatory statement, addressing a “concern that American workers are not getting reasonable medical treatment for injuries they have suffered while working in a combat zone,” urges the Department of Defense:

- to encourage Federal contractors to provide access to the most effective treatment available for injuries suffered while working outside the United States in support of military operations, including Operation Iraqi Freedom . . . ; and encourage Federal contractors performing a Federal contract outside the United States to ensure that American workers performing the contract receive the same benefits for injuries suffered outside the United States that they would receive if they were working within the United States.