

Calendar No. 159

111TH CONGRESS
1ST SESSION**H. R. 3326****[Report No. 111-74]**

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2009

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 10, 2009

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2010, for military func-
6 tions administered by the Department of Defense and for
7 other purposes, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 ~~MILITARY PERSONNEL, ARMY~~

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 for members of the Reserve Officers' Training Corps; and
12 for payments pursuant to section 156 of Public Law 97-
13 377, as amended (42 U.S.C. 402 note), and to the Depart-
14 ment of Defense Military Retirement Fund,
15 \$39,901,547,000.

16 ~~MILITARY PERSONNEL, NAVY~~

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the
22 Navy on active duty (except members of the Reserve pro-
23 vided for elsewhere), midshipmen, and aviation cadets; for
24 members of the Reserve Officers' Training Corps; and for
25 payments pursuant to section 156 of Public Law 97-377,

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$25,095,581,000.

3 ~~MILITARY PERSONNEL, MARINE CORPS~~

4 ~~For pay, allowances, individual clothing, subsistence,~~
5 ~~interest on deposits, gratuities, permanent change of sta-~~
6 ~~tion travel (including all expenses thereof for organiza-~~
7 ~~tional movements), and expenses of temporary duty travel~~
8 ~~between permanent duty stations, for members of the Ma-~~
9 ~~rine Corps on active duty (except members of the Reserve~~
10 ~~provided for elsewhere); and for payments pursuant to sec-~~
11 ~~tion 156 of Public Law 97-377, as amended (42 U.S.C.~~
12 ~~402 note), and to the Department of Defense Military Re-~~
13 ~~tirement Fund, \$12,528,845,000.~~

14 ~~MILITARY PERSONNEL, AIR FORCE~~

15 ~~For pay, allowances, individual clothing, subsistence,~~
16 ~~interest on deposits, gratuities, permanent change of sta-~~
17 ~~tion travel (including all expenses thereof for organiza-~~
18 ~~tional movements), and expenses of temporary duty travel~~
19 ~~between permanent duty stations, for members of the Air~~
20 ~~Force on active duty (except members of reserve compo-~~
21 ~~nents provided for elsewhere), cadets, and aviation cadets;~~
22 ~~for members of the Reserve Officers' Training Corps; and~~
23 ~~for payments pursuant to section 156 of Public Law 97-~~
24 ~~377, as amended (42 U.S.C. 402 note), and to the Depart-~~

1 ment of Defense Military Retirement Fund,
2 \$25,938,850,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$4,308,513,000.

16 RESERVE PERSONNEL, NAVY

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Navy Re-
19 serve on active duty under section 10211 of title 10,
20 United States Code, or while serving on active duty under
21 section 12301(d) of title 10, United States Code, in con-
22 nection with performing duty specified in section 12310(a)
23 of title 10, United States Code, or while undergoing re-
24 serve training, or while performing drills or equivalent
25 duty, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
 2 ment of Defense Military Retirement Fund,
 3 \$1,918,111,000.

4 ~~RESERVE PERSONNEL, MARINE CORPS~~

5 For pay, allowances, clothing, subsistence, gratuities,
 6 travel, and related expenses for personnel of the Marine
 7 Corps Reserve on active duty under section 10211 of title
 8 10, United States Code, or while serving on active duty
 9 under section 12301(d) of title 10, United States Code,
 10 in connection with performing duty specified in section
 11 12310(a) of title 10, United States Code, or while under-
 12 going reserve training, or while performing drills or equiv-
 13 alent duty, and for members of the Marine Corps platoon
 14 leaders class, and expenses authorized by section 16131
 15 of title 10, United States Code; and for payments to the
 16 Department of Defense Military Retirement Fund,
 17 \$610,580,000.

18 ~~RESERVE PERSONNEL, AIR FORCE~~

19 For pay, allowances, clothing, subsistence, gratuities,
 20 travel, and related expenses for personnel of the Air Force
 21 Reserve on active duty under sections 10211, 10305, and
 22 8038 of title 10, United States Code, or while serving on
 23 active duty under section 12301(d) of title 10, United
 24 States Code, in connection with performing duty specified
 25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
 2 drills or equivalent duty or other duty, and expenses au-
 3 thorized by section 16131 of title 10, United States Code;
 4 and for payments to the Department of Defense Military
 5 Retirement Fund, \$1,600,462,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
 8 travel, and related expenses for personnel of the Army Na-
 9 tional Guard while on duty under section 10211, 10302,
 10 or 12402 of title 10 or section 708 of title 32, United
 11 States Code, or while serving on duty under section
 12 12301(d) of title 10 or section 502(f) of title 32, United
 13 States Code, in connection with performing duty specified
 14 in section 12310(a) of title 10, United States Code, or
 15 while undergoing training, or while performing drills or
 16 equivalent duty or other duty, and expenses authorized by
 17 section 16131 of title 10, United States Code; and for pay-
 18 ments to the Department of Defense Military Retirement
 19 Fund, \$7,525,628,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
 22 travel, and related expenses for personnel of the Air Na-
 23 tional Guard on duty under section 10211, 10305, or
 24 12402 of title 10 or section 708 of title 32, United States
 25 Code, or while serving on duty under section 12301(d) of

1 title 10 or section 502(f) of title 32, United States Code;
 2 in connection with performing duty specified in section
 3 12310(a) of title 10, United States Code, or while under-
 4 going training, or while performing drills or equivalent
 5 duty or other duty, and expenses authorized by section
 6 16131 of title 10, United States Code; and for payments
 7 to the Department of Defense Military Retirement Fund,
 8 \$2,949,899,000.

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For expenses, not otherwise provided for, necessary
 13 for the operation and maintenance of the Army, as author-
 14 ized by law, and not to exceed \$12,478,000 can be used
 15 for emergencies and extraordinary expenses, to be ex-
 16 pended on the approval or authority of the Secretary of
 17 the Army, and payments may be made on his certificate
 18 of necessity for confidential military purposes,
 19 \$30,454,152,000.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
 22 for the operation and maintenance of the Navy and the
 23 Marine Corps, as authorized by law, and not to exceed
 24 \$14,657,000 can be used for emergencies and extraor-
 25 dinary expenses, to be expended on the approval or author-

1 ity of the Secretary of the Navy, and payments may be
 2 made on his certificate of necessity for confidential mili-
 3 tary purposes, ~~\$34,885,932,000~~ (increased by
 4 \$1,000,000) (reduced by \$1,000,000): *Provided*, That
 5 \$60,199,000 shall be made available for the Joint POW/
 6 MIA Accounting Command.

7 ~~OPERATION AND MAINTENANCE, MARINE CORPS~~

8 For expenses, not otherwise provided for, necessary
 9 for the operation and maintenance of the Marine Corps,
 10 as authorized by law, ~~\$5,557,510,000~~.

11 ~~OPERATION AND MAINTENANCE, AIR FORCE~~

12 For expenses, not otherwise provided for, necessary
 13 for the operation and maintenance of the Air Force, as
 14 authorized by law; and not to exceed \$7,699,000 can be
 15 used for emergencies and extraordinary expenses, to be ex-
 16 pended on the approval or authority of the Secretary of
 17 the Air Force, and payments may be made on his certifi-
 18 cate of necessity for confidential military purposes,
 19 ~~\$33,785,349,000~~.

20 ~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~

21 For expenses, not otherwise provided for, necessary
 22 for the operation and maintenance of activities and agen-
 23 cies of the Department of Defense (other than the military
 24 departments), as authorized by law, ~~\$27,929,377,000~~:
 25 *Provided*, That not more than \$50,000,000 may be used

1 for the Combatant Commander Initiative Fund authorized
 2 under section 166a of title 10, United States Code: *Pro-*
 3 *vided further*, That of the funds provided under this head-
 4 ing, not less than \$29,732,000 shall be made available for
 5 the Procurement Technical Assistance Cooperative Agree-
 6 ment Program, of which not less than \$3,600,000 shall
 7 be available for centers defined in 10 U.S.C. 2411(1)(D):
 8 *Provided further*, That none of the funds appropriated or
 9 otherwise made available by this Act may be used to plan
 10 or implement the consolidation of a budget or appropria-
 11 tions liaison office of the Office of the Secretary of De-
 12 fense, the office of the Secretary of a military department,
 13 or the service headquarters of one of the Armed Forces
 14 into a legislative affairs or legislative liaison office.

15 OPERATION AND MAINTENANCE, ARMY RESERVE

16 For expenses, not otherwise provided for, necessary
 17 for the operation and maintenance, including training, or-
 18 ganization, and administration, of the Army Reserve; re-
 19 pair of facilities and equipment; hire of passenger motor
 20 vehicles; travel and transportation; care of the dead; re-
 21 cruiting; procurement of services, supplies, and equip-
 22 ment; and communications, \$2,621,196,000.

23 OPERATION AND MAINTENANCE, NAVY RESERVE

24 For expenses, not otherwise provided for, necessary
 25 for the operation and maintenance, including training, or-

1 ganization, and administration, of the Navy Reserve; re-
 2 pair of facilities and equipment; hire of passenger motor
 3 vehicles; travel and transportation; care of the dead; re-
 4 cruiting; procurement of services, supplies, and equip-
 5 ment; and communications, \$1,280,001,000.

6 OPERATION AND MAINTENANCE, MARINE CORPS

7 RESERVE

8 For expenses, not otherwise provided for, necessary
 9 for the operation and maintenance, including training, or-
 10 ganization, and administration, of the Marine Corps Re-
 11 serve; repair of facilities and equipment; hire of passenger
 12 motor vehicles; travel and transportation; care of the dead;
 13 recruiting; procurement of services, supplies, and equip-
 14 ment; and communications, \$228,925,000.

15 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

16 For expenses, not otherwise provided for, necessary
 17 for the operation and maintenance, including training, or-
 18 ganization, and administration, of the Air Force Reserve;
 19 repair of facilities and equipment; hire of passenger motor
 20 vehicles; travel and transportation; care of the dead; re-
 21 cruiting; procurement of services, supplies, and equip-
 22 ment; and communications, \$3,079,228,000.

18 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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1 modification, maintenance, and issue of supplies and
2 equipment, including those furnished from stocks under
3 the control of agencies of the Department of Defense;
4 travel expenses (other than mileage) on the same basis as
5 authorized by law for Air National Guard personnel on
6 active Federal duty, for Air National Guard commanders
7 while inspecting units in compliance with National Guard
8 Bureau regulations when specifically authorized by the
9 Chief, National Guard Bureau, \$5,888,741,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED
11 FORCES

12 For salaries and expenses necessary for the United
13 States Court of Appeals for the Armed Forces,
14 \$13,932,000, of which not to exceed \$5,000 may be used
15 for official representation purposes.

16 ENVIRONMENTAL RESTORATION, ARMY
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$415,864,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Army shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Army, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

1 to the Department of the Army, to be merged with and
2 to be available for the same purposes and for the same
3 time period as the appropriations to which transferred:
4 *Provided further*, That upon a determination that all or
5 part of the funds transferred from this appropriation are
6 not necessary for the purposes provided herein, such
7 amounts may be transferred back to this appropriation:
8 *Provided further*, That the transfer authority provided
9 under this heading is in addition to any other transfer au-
10 thority provided elsewhere in this Act.

11 (INCLUDING TRANSFER OF FUNDS)

12 For the Department of the Navy, \$285,869,000, to
13 remain available until transferred: *Provided*, That the Sec-
14 retary of the Navy shall, upon determining that such
15 funds are required for environmental restoration, reduc-
16 tion and recycling of hazardous waste, removal of unsafe
17 buildings and debris of the Department of the Navy, or
18 for similar purposes, transfer the funds made available by
19 this appropriation to other appropriations made available
20 to the Department of the Navy, to be merged with and
21 to be available for the same purposes and for the same
22 time period as the appropriations to which transferred:
23 *Provided further*, That upon a determination that all or
24 part of the funds transferred from this appropriation are
25 not necessary for the purposes provided herein, such

1 amounts may be transferred back to this appropriation:
2 *Provided further*, That the transfer authority provided
3 under this heading is in addition to any other transfer au-
4 thority provided elsewhere in this Act.

5 ENVIRONMENTAL RESTORATION, AIR FORCE
6 (INCLUDING TRANSFER OF FUNDS)

7 For the Department of the Air Force, \$494,276,000,
8 to remain available until transferred: *Provided*, That the
9 Secretary of the Air Force shall, upon determining that
10 such funds are required for environmental restoration, re-
11 duction and recycling of hazardous waste, removal of un-
12 safe buildings and debris of the Department of the Air
13 Force, or for similar purposes, transfer the funds made
14 available by this appropriation to other appropriations
15 made available to the Department of the Air Force, to be
16 merged with and to be available for the same purposes
17 and for the same time period as the appropriations to
18 which transferred: *Provided further*, That upon a deter-
19 mination that all or part of the funds transferred from
20 this appropriation are not necessary for the purposes pro-
21 vided herein, such amounts may be transferred back to
22 this appropriation: *Provided further*, That the transfer au-
23 thority provided under this heading is in addition to any
24 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$11,100,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED

22 DEFENSE SITES

23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$277,700,000, to
25 remain available until transferred: *Provided*, That the Sec-

1 retary of the Army shall, upon determining that such
2 funds are required for environmental restoration, reduc-
3 tion and recycling of hazardous waste, removal of unsafe
4 buildings and debris at sites formerly used by the Depart-
5 ment of Defense, transfer the funds made available by this
6 appropriation to other appropriations made available to
7 the Department of the Army, to be merged with and to
8 be available for the same purposes and for the same time
9 period as the appropriations to which transferred: *Pro-*
10 *vided further*, That upon a determination that all or part
11 of the funds transferred from this appropriation are not
12 necessary for the purposes provided herein, such amounts
13 may be transferred back to this appropriation: *Provided*
14 *further*, That the transfer authority provided under this
15 heading is in addition to any other transfer authority pro-
16 vided elsewhere in this Act.

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$109,869,000, to remain available
23 until September 30, 2011.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance to the republics of the former Soviet
 3 Union, including assistance provided by contract or by
 4 grants, for facilitating the elimination and the safe and
 5 secure transportation and storage of nuclear, chemical and
 6 other weapons; for establishing programs to prevent the
 7 proliferation of weapons, weapons components, and weap-
 8 on-related technology and expertise; for programs relating
 9 to the training and support of defense and military per-
 10 sonnel for demilitarization and protection of weapons;
 11 weapons components and weapons technology and exper-
 12 tise; and for defense and military contacts, \$404,093,000,
 13 to remain available until September 30, 2012.

14 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
 15 DEVELOPMENT FUND

16 For the Department of Defense Acquisition Work-
 17 force Development Fund, \$100,000,000.

18 TITLE III

19 PROCUREMENT

20 AIRCRAFT PROCUREMENT, ARMY

21 For construction, procurement, production, modifica-
 22 tion, and modernization of aircraft, equipment, including
 23 ordnance, ground handling equipment, spare parts, and
 24 accessories therefor; specialized equipment and training
 25 devices; expansion of public and private plants, including

1 the land necessary therefor, for the foregoing purposes;
2 and such lands and interests therein, may be acquired,
3 and construction prosecuted thereon prior to approval of
4 title; and procurement and installation of equipment, ap-
5 pliances, and machine tools in public and private plants;
6 reserve plant and Government and contractor-owned
7 equipment layaway; and other expenses necessary for the
8 foregoing purposes, \$5,144,991,000, to remain available
9 for obligation until September 30, 2012.

10 ~~MISSILE PROCUREMENT, ARMY~~

11 For construction, procurement, production, modifica-
12 tion, and modernization of missiles, equipment, including
13 ordnance, ground handling equipment, spare parts, and
14 accessories therefor; specialized equipment and training
15 devices; expansion of public and private plants, including
16 the land necessary therefor, for the foregoing purposes;
17 and such lands and interests therein, may be acquired,
18 and construction prosecuted thereon prior to approval of
19 title; and procurement and installation of equipment, ap-
20 pliances, and machine tools in public and private plants;
21 reserve plant and Government and contractor-owned
22 equipment layaway; and other expenses necessary for the
23 foregoing purposes, \$1,358,609,000, to remain available
24 for obligation until September 30, 2012.

1 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
2 VEHICLES, ARMY

3 For construction, procurement, production, and
4 modification of weapons and tracked combat vehicles;
5 equipment, including ordnance, spare parts, and acces-
6 sories therefor; specialized equipment and training devices;
7 expansion of public and private plants, including the land
8 necessary therefor, for the foregoing purposes, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; and
11 procurement and installation of equipment, appliances,
12 and machine tools in public and private plants; reserve
13 plant and Government and contractor-owned equipment
14 layaway; and other expenses necessary for the foregoing
15 purposes, \$2,681,952,000, to remain available for obliga-
16 tion until September 30, 2012.

17 PROCUREMENT OF AMMUNITION, ARMY

18 For construction, procurement, production, and
19 modification of ammunition, and accessories therefor; spe-
20 cialized equipment and training devices; expansion of pub-
21 lic and private plants, including ammunition facilities, au-
22 thorized by section 2854 of title 10, United States Code;
23 and the land necessary therefor, for the foregoing pur-
24 poses, and such lands and interests therein, may be ae-
25 quired, and construction prosecuted thereon prior to ap-

1 proval of title; and procurement and installation of equip-
2 ment; appliances, and machine tools in public and private
3 plants; reserve plant and Government and contractor-
4 owned equipment layaway; and other expenses necessary
5 for the foregoing purposes, \$2,053,395,000, to remain
6 available for obligation until September 30, 2012.

7 OTHER PROCUREMENT, ARMY

8 For construction, procurement, production, and
9 modification of vehicles, including tactical, support, and
10 non-tracked combat vehicles; the purchase of passenger
11 motor vehicles for replacement only; communications and
12 electronic equipment; other support equipment; spare
13 parts, ordnance, and accessories therefor; specialized
14 equipment and training devices; expansion of public and
15 private plants, including the land necessary therefor, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon prior to approval of title; and procurement and
19 installation of equipment, appliances, and machine tools
20 in public and private plants; reserve plant and Govern-
21 ment and contractor-owned equipment layaway; and other
22 expenses necessary for the foregoing purposes,
23 \$9,293,801,000, to remain available for obligation until
24 September 30, 2012.

1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of aircraft, equipment, including
4 ordnance, spare parts, and accessories therefor; specialized
5 equipment; expansion of public and private plants, includ-
6 ing the land necessary therefor, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway,
12 \$18,325,481,000, to remain available for obligation until
13 September 30, 2012.

14 WEAPONS PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-
16 tion, and modernization of missiles, torpedoes, other weap-
17 ons, and related support equipment including spare parts,
18 and accessories therefor; expansion of public and private
19 plants, including the land necessary therefor, and such
20 lands and interests therein, may be acquired, and con-
21 struction prosecuted thereon prior to approval of title; and
22 procurement and installation of equipment, appliances,
23 and machine tools in public and private plants; reserve
24 plant and Government and contractor-owned equipment

~~PROCUREMENT OF AMMUNITION, NAVY AND MARINE~~

~~CORPS~~

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$794,886,000, to remain available for obligation until September 30, 2012.

19 ~~SHIPBUILDING AND CONVERSION, NAVY~~

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical,

1 long lead time components and designs for vessels to be
 2 constructed or converted in the future; and expansion of
 3 public and private plants, including land necessary there-
 4 for, and such lands and interests therein, may be acquired,
 5 and construction prosecuted thereon prior to approval of
 6 title, as follows:

7 Carrier Replacement Program, ~~\$739,269,000.~~

8 Carrier Replacement Program (AP),
 9 ~~\$484,432,000.~~

10 NSSN, ~~\$1,964,317,000.~~

11 NSSN (AP), ~~\$1,959,725,000.~~

12 CVN Refueling, ~~\$1,563,602,000.~~

13 CVN Refuelings (AP), ~~\$211,820,000.~~

14 DD(X), ~~\$1,073,161,000.~~

15 DDG-51 Destroyer, ~~\$1,912,267,000.~~

16 DDG-51 Destroyer (AP), ~~\$328,996,000.~~

17 Littoral Combat Ship, ~~\$2,160,000,000.~~

18 LPD-17, ~~\$872,392,000.~~

19 LPD-17 (AP), ~~\$184,555,000.~~

20 Intratheater Connector, ~~\$357,956,000.~~

21 LCAC Service Life Extension Program,
 22 ~~\$63,857,000.~~

23 Prior year shipbuilding costs, ~~\$454,586,000.~~

24 Service Craft, ~~\$3,694,000.~~

1 For outfitting, post delivery, conversions, and
2 first destination transportation, \$386,903,000.

3 In all: \$14,721,532,000, to remain available for obli-
4 gation until September 30, 2014: *Provided*, That addi-
5 tional obligations may be incurred after September 30,
6 2014, for engineering services, tests, evaluations, and
7 other such budgeted work that must be performed in the
8 final stage of ship construction: *Provided further*, That
9 none of the funds provided under this heading for the con-
10 struction or conversion of any naval vessel to be con-
11 structed in shipyards in the United States shall be ex-
12 pended in foreign facilities for the construction of major
13 components of such vessel: *Provided further*, That none
14 of the funds provided under this heading shall be used
15 for the construction of any naval vessel in foreign ship-
16 yards.

17 OTHER PROCUREMENT, NAVY

18 For procurement, production, and modernization of
19 support equipment and materials not otherwise provided
20 for, Navy ordnance (except ordnance for new aircraft, new
21 ships, and ships authorized for conversion); the purchase
22 of passenger motor vehicles for replacement only; expan-
23 sion of public and private plants, including the land nec-
24 essary therefor, and such lands and interests therein, may
25 be acquired, and construction prosecuted thereon prior to

1 approval of title; and procurement and installation of
2 equipment, appliances, and machine tools in public and
3 private plants; reserve plant and Government and con-
4 tractor-owned equipment layaway, \$5,395,081,000, to re-
5 main available for obligation until September 30, 2012.

6 ~~PROCUREMENT, MARINE CORPS~~

7 ~~For expenses necessary for the procurement, manu-~~
8 ~~facture, and modification of missiles, armament, military~~
9 ~~equipment, spare parts, and accessories therefor; plant~~
10 ~~equipment, appliances, and machine tools, and installation~~
11 ~~thereof in public and private plants; reserve plant and~~
12 ~~Government and contractor-owned equipment layaway; ve-~~
13 ~~hicles for the Marine Corps, including the purchase of pas-~~
14 ~~senger motor vehicles for replacement only; and expansion~~
15 ~~of public and private plants, including land necessary~~
16 ~~therefor, and such lands and interests therein, may be ac-~~
17 ~~quired, and construction prosecuted thereon prior to ap-~~
18 ~~proval of title, \$1,563,743,000, to remain available for ob-~~
19 ~~ligation until September 30, 2012.~~

20 ~~AIRCRAFT PROCUREMENT, AIR FORCE~~

21 ~~For construction, procurement, and modification of~~
22 ~~aircraft and equipment, including armor and armament,~~
23 ~~specialized ground handling equipment, and training de-~~
24 ~~vices, spare parts, and accessories therefor; specialized~~
25 ~~equipment; expansion of public and private plants; Gov-~~

1 ernment-owned equipment and installation thereof in such
 2 plants; erection of structures; and acquisition of land; for
 3 the foregoing purposes; and such lands and interests
 4 therein; may be acquired; and construction prosecuted
 5 thereon prior to approval of title; reserve plant and Gov-
 6 ernment and contractor-owned equipment layaway; and
 7 other expenses necessary for the foregoing purposes in-
 8 cluding rents and transportation of things;
 9 \$11,956,182,000; to remain available for obligation until
 10 September 30, 2012; *Provided*, That no funds provided
 11 in this Act for the procurement or modernization of C-
 12 17 aircraft may be obligated until all C-17 contracts fund-
 13 ed with prior year "Aircraft Procurement, Air Force" ap-
 14 propriated funds are definitized.

15 MISSILE PROCUREMENT, AIR FORCE

16 For construction, procurement, and modification of
 17 missiles; spacecraft; rockets; and related equipment; in-
 18 cluding spare parts and accessories therefor; ground han-
 19 dling equipment; and training devices; expansion of public
 20 and private plants; Government-owned equipment and in-
 21 stallation thereof in such plants; erection of structures;
 22 and acquisition of land; for the foregoing purposes; and
 23 such lands and interests therein; may be acquired; and
 24 construction prosecuted thereon prior to approval of title;
 25 reserve plant and Government and contractor-owned

1 equipment layaway; and other expenses necessary for the
 2 foregoing purposes including rents and transportation of
 3 things, \$6,508,359,000, to remain available for obligation
 4 until September 30, 2012.

5 PROCUREMENT OF AMMUNITION, AIR FORCE

6 For construction, procurement, production, and
 7 modification of ammunition, and accessories therefor; spe-
 8 cialized equipment and training devices; expansion of pub-
 9 lic and private plants, including ammunition facilities; au-
 10 thorized by section 2854 of title 10, United States Code;
 11 and the land necessary therefor, for the foregoing pur-
 12 poses, and such lands and interests therein, may be ac-
 13 quired, and construction prosecuted thereon prior to ap-
 14 proval of title; and procurement and installation of equip-
 15 ment, appliances, and machine tools in public and private
 16 plants; reserve plant and Government and contractor-
 17 owned equipment layaway; and other expenses necessary
 18 for the foregoing purposes, \$809,941,000, to remain avail-
 19 able for obligation until September 30, 2012.

20 OTHER PROCUREMENT, AIR FORCE

21 For procurement and modification of equipment (in-
 22 cluding ground guidance and electronic control equipment;
 23 and ground electronic and communication equipment);
 24 and supplies, materials, and spare parts therefor, not oth-
 25 erwise provided for; the purchase of passenger motor vehi-

1 cles for replacement only; lease of passenger motor vehi-
 2 cles; and expansion of public and private plants, Govern-
 3 ment-owned equipment and installation thereof in such
 4 plants, erection of structures, and acquisition of land, for
 5 the foregoing purposes, and such lands and interests
 6 therein, may be acquired, and construction prosecuted
 7 thereon, prior to approval of title; reserve plant and Gov-
 8 ernment and contractor-owned equipment layaway,
 9 \$16,883,791,000, to remain available for obligation until
 10 September 30, 2012.

11 PROCUREMENT, DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
 13 ment of Defense (other than the military departments)
 14 necessary for procurement, production, and modification
 15 of equipment, supplies, materials, and spare parts there-
 16 for, not otherwise provided for; the purchase of passenger
 17 motor vehicles for replacement only; expansion of public
 18 and private plants, equipment, and installation thereof in
 19 such plants, erection of structures, and acquisition of land
 20 for the foregoing purposes, and such lands and interests
 21 therein, may be acquired, and construction prosecuted
 22 thereon prior to approval of title; reserve plant and Gov-
 23 ernment and contractor-owned equipment layaway,
 24 \$4,036,816,000, to remain available for obligation until
 25 September 30, 2012.

1 DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant
3 to sections ~~108, 301, 302, and 303~~ of the Defense Produc-
4 tion Act of 1950 (~~50 U.S.C. App. 2078, 2091, 2092, and~~
5 ~~2093~~), \$82,846,000, to remain available until expended.

6 TITLE IV

7 RESEARCH, DEVELOPMENT, TEST AND
8 EVALUATION

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

10 ARMY

11 For expenses necessary for basic and applied sci-
12 entific research, development, test and evaluation, includ-
13 ing maintenance, rehabilitation, lease, and operation of fa-
14 cilities and equipment, \$11,151,884,000, to remain avail-
15 able for obligation until September 30, 2011.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 NAVY

18 For expenses necessary for basic and applied sci-
19 entific research, development, test and evaluation, includ-
20 ing maintenance, rehabilitation, lease, and operation of fa-
21 cilities and equipment, \$20,197,300,000, to remain avail-
22 able for obligation until September 30, 2011: *Provided,*
23 That funds appropriated in this paragraph which are
24 available for the V-22 may be used to meet unique oper-
25 ational requirements of the Special Operations Forces:

1 *Provided further*, That funds appropriated in this para-
 2 graph shall be available for the Cobra Judy program.

3 ~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION,~~

4 ~~AIR FORCE~~

5 For expenses necessary for basic and applied sci-
 6 entific research, development, test and evaluation, includ-
 7 ing maintenance, rehabilitation, lease, and operation of fa-
 8 cilities and equipment, \$27,976,278,000, to remain avail-
 9 able for obligation until September 30, 2011.

10 ~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION,~~

11 ~~DEFENSE-WIDE~~

12 For expenses of activities and agencies of the Depart-
 13 ment of Defense (other than the military departments),
 14 necessary for basic and applied scientific research, devel-
 15 opment, test and evaluation; advanced research projects
 16 as may be designated and determined by the Secretary
 17 of Defense, pursuant to law; maintenance, rehabilitation,
 18 lease, and operation of facilities and equipment,
 19 \$20,721,723,000, to remain available for obligation until
 20 September 30, 2011: *Provided*, That, notwithstanding any
 21 other provision of law, of the funds made available under
 22 this heading for missile defense programs, not less than
 23 \$80,000,000 shall be available for the Kinetic Energy In-
 24 terceptor Program.

~~REVOLVING AND MANAGEMENT FUNDS~~

For the Defense Working Capital Funds,
~~\$1,455,004,000.~~

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,692,758,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new

1 contract that provides for the acquisition of any of the
 2 following major components unless such components are
 3 manufactured in the United States: auxiliary equipment,
 4 including pumps, for all shipboard services; propulsion
 5 system components (engines, reduction gears, and propel-
 6 lers); shipboard cranes; and spreaders for shipboard
 7 cranes: *Provided further*, That the exercise of an option
 8 in a contract awarded through the obligation of previously
 9 appropriated funds shall not be considered to be the award
 10 of a new contract: *Provided further*, That the Secretary
 11 of the military department responsible for such procure-
 12 ment may waive the restrictions in the first proviso on
 13 a case-by-case basis by certifying in writing to the Com-
 14 mittees on Appropriations of the House of Representatives
 15 and the Senate that adequate domestic supplies are not
 16 available to meet Department of Defense requirements on
 17 a timely basis and that such an acquisition must be made
 18 in order to acquire capability for national security pur-
 19 poses:

20 TITLE VI

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses, not otherwise provided for, for medical
 25 and health care programs of the Department of Defense

1 as authorized by law, \$29,891,109,000; of which
 2 \$28,257,565,000 shall be for operation and maintenance;
 3 of which not to exceed 2 percent shall remain available
 4 until September 30, 2011, and of which up to
 5 \$15,537,688,000 may be available for contracts entered
 6 into under the TRICARE program; of which
 7 \$384,142,000, to remain available for obligation until Sep-
 8 tember 30, 2012, shall be for procurement; and of which
 9 \$1,249,402,000, to remain available for obligation until
 10 September 30, 2011, shall be for research, development,
 11 test and evaluation: *Provided*, That, notwithstanding any
 12 other provision of law, of the amount made available under
 13 this heading for research, development, test and evalua-
 14 tion, not less than \$10,000,000 shall be available for HIV
 15 prevention educational activities undertaken in connection
 16 with United States military training, exercises, and hu-
 17 manitarian assistance activities conducted primarily in Af-
 18 rican nations.

19 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION;
 20 DEFENSE

21 For expenses, not otherwise provided for, necessary
 22 for the destruction of the United States stockpile of lethal
 23 chemical agents and munitions; to include construction of
 24 facilities, in accordance with the provisions of section 1412
 25 of the Department of Defense Authorization Act, 1986

1 ~~(50 U.S.C. 1521), and for the destruction of other chem-~~
 2 ~~ical warfare materials that are not in the chemical weapon~~
 3 ~~stockpile, \$1,510,760,000, of which \$1,146,802,000 shall~~
 4 ~~be for operation and maintenance, of which no less than~~
 5 ~~\$84,839,000, shall be for the Chemical Stockpile Emer-~~
 6 ~~gency Preparedness Program, consisting of \$34,905,000~~
 7 ~~for activities on military installations and \$49,934,000, to~~
 8 ~~remain available until September 30, 2011, to assist State~~
 9 ~~and local governments; \$12,689,000 shall be for procure-~~
 10 ~~ment, to remain available until September 30, 2012, of~~
 11 ~~which no less than \$12,689,000 shall be for the Chemical~~
 12 ~~Stockpile Emergency Preparedness Program to assist~~
 13 ~~State and local governments; and \$351,269,000, to re-~~
 14 ~~main available until September 30, 2011, shall be for re-~~
 15 ~~search, development, test and evaluation, of which~~
 16 ~~\$348,669,000 shall only be for the Assembled Chemical~~
 17 ~~Weapons Alternatives (ACWA) program.~~

18 ~~DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,~~

19 ~~DEFENSE~~

20 ~~(INCLUDING TRANSFER OF FUNDS)~~

21 For drug interdiction and counter-drug activities of
 22 the Department of Defense, for transfer to appropriations
 23 available to the Department of Defense for military per-
 24 sonnel of the reserve components serving under the provi-
 25 sions of title 10 and title 32, United States Code; for oper-

1 ation and maintenance; for procurement; and for research;
 2 development, test and evaluation, \$1,237,684,000: *Pro-*
 3 *vided*, That the funds appropriated under this heading
 4 shall be available for obligation for the same time period
 5 and for the same purpose as the appropriation to which
 6 transferred: *Provided further*, That upon a determination
 7 that all or part of the funds transferred from this appro-
 8 priation are not necessary for the purposes provided here-
 9 in, such amounts may be transferred back to this appro-
 10 priation: *Provided further*, That the transfer authority pro-
 11 vided under this heading is in addition to any other trans-
 12 fer authority contained elsewhere in this Act.

13 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
 14 (INCLUDING TRANSFER OF FUNDS)

15 For the “Joint Improvised Explosive Device Defeat
 16 Fund”, \$364,550,000, of which \$183,000,000 shall be for
 17 Attack the Network, to remain available until September
 18 30, 2011; \$25,000,000 shall be for Defeat the Device, to
 19 remain available until September 30, 2012; \$35,000,000
 20 shall be for Train the Force, to remain available until Sep-
 21 tember 30, 2010; \$121,550,000 shall be for Staff and In-
 22 frastructure, to remain available until September 30,
 23 2010: *Provided*, That such funds shall be available to the
 24 Secretary of Defense, notwithstanding any other provision
 25 of law, for the purpose of allowing the Director of the

1 Joint Improvised Explosive Device Defeat Organization to
2 investigate, develop and provide equipment, supplies, serv-
3 ices, training, facilities, personnel and funds to assist
4 United States forces in the defeat of improvised explosive
5 devices: *Provided further*, That within 60 days of the en-
6 actment of this Act, a plan for the intended management
7 and use of the amounts provided under this heading shall
8 be submitted to the congressional defense committees:
9 *Provided further*, That the Secretary of Defense shall sub-
10 mit a report not later than 60 days after the end of each
11 fiscal quarter to the congressional defense committees pro-
12 viding assessments of the evolving threats, individual serv-
13 ice requirements to counter the threats, the current strat-
14 egy for predeployment training of members of the Armed
15 Forces on improvised explosive devices, and details on the
16 execution of the Fund: *Provided further*, That the Sec-
17 retary of Defense may transfer funds provided herein to
18 appropriations for operation and maintenance; procure-
19 ment; research; development; test and evaluation; and de-
20 fense working capital funds to accomplish the purpose pro-
21 vided herein: *Provided further*, That this transfer author-
22 ity is in addition to any other transfer authority available
23 to the Department of Defense: *Provided further*, That the
24 Secretary of Defense shall, not fewer than 15 days prior
25 to making transfers from this appropriation, notify the

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

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$288,100,000,
7 of which \$287,100,000 shall be for operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; and
13 of which \$1,000,000, to remain available until September
14 30, 2012, shall be for procurement.

15 TITLE VII

16 RELATED AGENCIES

17 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
18 DISABILITY SYSTEM FUND

19 For payment to the Central Intelligence Agency Re-
20 tirement and Disability System Fund, to maintain the
21 proper funding level for continuing the operation of the
22 Central Intelligence Agency Retirement and Disability
23 System, \$290,900,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 For necessary expenses of the Intelligence Commu-
3 nity Management Account, \$611,002,000.

4 TITLE VIII

5 GENERAL PROVISIONS

6 SEC. 8001. No part of any appropriation contained
7 in this Act shall be used for publicity or propaganda pur-
8 poses not authorized by the Congress.

9 SEC. 8002. During the current fiscal year, provisions
10 of law prohibiting the payment of compensation to, or em-
11 ployment of, any person not a citizen of the United States
12 shall not apply to personnel of the Department of Defense:
13 *Provided*, That salary increases granted to direct and indi-
14 rect hire foreign national employees of the Department of
15 Defense funded by this Act shall not be at a rate in excess
16 of the percentage increase authorized by law for civilian
17 employees of the Department of Defense whose pay is
18 computed under the provisions of section 5332 of title 5,
19 United States Code, or at a rate in excess of the percent-
20 age increase provided by the appropriate host nation to
21 its own employees, whichever is higher: *Provided further*,
22 That this section shall not apply to Department of De-
23 fense foreign service national employees serving at United
24 States diplomatic missions whose pay is set by the Depart-
25 ment of State under the Foreign Service Act of 1980: *Pro-*

1 ~~vided further~~, That the limitations of this provision shall
2 not apply to foreign national employees of the Department
3 of Defense in the Republic of Turkey.

4 ~~SEC. 8003.~~ No part of any appropriation contained
5 in this Act shall remain available for obligation beyond
6 the current fiscal year, unless expressly so provided herein.

7 ~~SEC. 8004.~~ No more than 20 percent of the appro-
8 priations in this Act which are limited for obligation dur-
9 ing the current fiscal year shall be obligated during the
10 last 2 months of the fiscal year: *Provided*, That this sec-
11 tion shall not apply to obligations for support of active
12 duty training of reserve components or summer camp
13 training of the Reserve Officers' Training Corps.

14 (TRANSFER OF FUNDS)

15 ~~SEC. 8005.~~ Upon determination by the Secretary of
16 Defense that such action is necessary in the national inter-
17 est, he may, with the approval of the Office of Manage-
18 ment and Budget, transfer not to exceed \$4,000,000,000
19 of working capital funds of the Department of Defense
20 or funds made available in this Act to the Department
21 of Defense for military functions (except military con-
22 struction) between such appropriations or funds or any
23 subdivision thereof, to be merged with and to be available
24 for the same purposes, and for the same time period, as
25 the appropriation or fund to which transferred: *Provided*,

1 That such authority to transfer may not be used unless
2 for higher priority items, based on unforeseen military re-
3 quirements, than those for which originally appropriated
4 and in no case where the item for which funds are re-
5 quested has been denied by the Congress: *Provided further,*
6 That the Secretary of Defense shall notify the Congress
7 promptly of all transfers made pursuant to this authority
8 or any other authority in this Act: *Provided further,* That
9 no part of the funds in this Act shall be available to pre-
10 pare or present a request to the Committees on Appropria-
11 tions for reprogramming of funds, unless for higher pri-
12 ority items, based on unforeseen military requirements,
13 than those for which originally appropriated and in no
14 case where the item for which reprogramming is requested
15 has been denied by the Congress: *Provided further,* That
16 a request for multiple reprogrammings of funds using au-
17 thority provided in this section shall be made prior to June
18 30, 2010: *Provided further,* That transfers among military
19 personnel appropriations shall not be taken into account
20 for purposes of the limitation on the amount of funds that
21 may be transferred under this section: *Provided further,*
22 That no obligation of funds may be made pursuant to sec-
23 tion 1206 of Public Law 109–163 (or any successor provi-
24 sion) unless the Secretary of Defense has notified the con-
25 gressional defense committees prior to any such obligation.

1 SEC. 8006. (a) With regard to the list of specific pro-
2 grams, projects, and activities (and the dollar amounts
3 and adjustments to budget activities corresponding to
4 such programs, projects, and activities) contained in the
5 tables titled “Explanation of Project Level Adjustments”
6 in the report of the Committee on Appropriations of the
7 House of Representatives accompanying this Act, the obli-
8 gation and expenditure of amounts appropriated or other-
9 wise made available in this Act for those programs,
10 projects, and activities for which the amounts appro-
11 priated exceed the amounts requested are hereby required
12 by law to be carried out in the manner provided by such
13 tables to the same extent as if the tables were included
14 in the text of this Act.

15 (b) Amounts specified in the referenced tables de-
16 scribed in subsection (a) shall not be treated as subdivi-
17 sions of appropriations for purposes of section 8005 of this
18 Act: *Provided*, That section 8005 shall apply when trans-
19 fers of the amounts described in subsection (a) occur be-
20 tween appropriation accounts.

21 SEC. 8007. (a) Not later than 60 days after enact-
22 ment of this Act, the Department of Defense shall submit
23 a report to the congressional defense committees to estab-
24 lish the baseline for application of reprogramming and

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

22 ~~(TRANSFER OF FUNDS)~~

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1 United States Code, may be maintained in only such
 2 amounts as are necessary at any time for cash disburse-
 3 ments to be made from such funds: *Provided*, That trans-
 4 fers may be made between such funds: *Provided further*,
 5 That transfers may be made between working capital
 6 funds and the “Operation and Maintenance” appropria-
 7 tion accounts in such amounts as may be determined by
 8 the Secretary of Defense, with the approval of the Office
 9 of Management and Budget, except that such transfers
 10 may not be made unless the Secretary of Defense has noti-
 11 fied the Congress of the proposed transfer. Except in
 12 amounts equal to the amounts appropriated to working
 13 capital funds in this Act, no obligations may be made
 14 against a working capital fund to procure or increase the
 15 value of war reserve material inventory, unless the Sec-
 16 retary of Defense has notified the Congress prior to any
 17 such obligation.

18 SEC. 8009. Funds appropriated by this Act may not
 19 be used to initiate a special access program without prior
 20 notification 30 calendar days in advance to the congres-
 21 sional defense committees.

22 SEC. 8010. None of the funds provided in this Act
 23 shall be available to initiate: (1) a multiyear contract that
 24 employs economic order quantity procurement in excess of
 25 \$20,000,000 in any one year of the contract or that in-

1 eludes an unfunded contingent liability in excess of
2 \$20,000,000; or (2) a contract for advance procurement
3 leading to a multiyear contract that employs economic
4 order quantity procurement in excess of \$20,000,000 in
5 any one year, unless the congressional defense committees
6 have been notified at least 30 days in advance of the pro-
7 posed contract award: *Provided*, That no part of any ap-
8 propriation contained in this Act shall be available to ini-
9 tiate a multiyear contract for which the economic order
10 quantity advance procurement is not funded at least to
11 the limits of the Government's liability: *Provided further*,
12 That no part of any appropriation contained in this Act
13 shall be available to initiate multiyear procurement con-
14 tracts for any systems or component thereof if the value
15 of the multiyear contract would exceed \$500,000,000 un-
16 less specifically provided in this Act: *Provided further*,
17 That no multiyear procurement contract can be termi-
18 nated without 10-day prior notification to the congres-
19 sional defense committees: *Provided further*, That the exe-
20 cution of multiyear authority shall require the use of a
21 present value analysis to determine lowest cost compared
22 to an annual procurement: *Provided further*, That none of
23 the funds provided in this Act may be used for a multiyear
24 contract executed after the date of the enactment of this
25 Act unless in the case of any such contract—

1 (1) the Secretary of Defense has submitted to
2 Congress a report within 30 days of enactment of
3 this Act that certifies full funding of units to be pro-
4 cured through the contract and, in the case of a con-
5 tract for procurement of aircraft, that includes, for
6 any aircraft unit to be procured through the con-
7 tract for which procurement funds are identified in
8 that report for production beyond advance procure-
9 ment activities in the fiscal year 2010 budget, full
10 funding of procurement of such unit in that fiscal
11 year;

12 (2) cancellation provisions in the contract do
13 not include consideration of recurring manufacturing
14 costs of the contractor associated with the produc-
15 tion of unfunded units to be delivered under the con-
16 tract;

17 (3) the contract provides that payments to the
18 contractor under the contract shall not be made in
19 advance of incurred costs on funded units; and

20 (4) the contract does not provide for a price ad-
21 justment based on a failure to award a follow-on
22 contract.

23 Funds appropriated in title III of this Act may be
24 used for a multiyear procurement contract as follows:

25 F-18 aircraft variants.

1 ~~SEC. 8011.~~ Within the funds appropriated for the op-
2 eration and maintenance of the Armed Forces, funds are
3 hereby appropriated pursuant to section 401 of title 10,
4 United States Code, for humanitarian and civic assistance
5 costs under chapter 20 of title 10, United States Code.
6 Such funds may also be obligated for humanitarian and
7 civic assistance costs incidental to authorized operations
8 and pursuant to authority granted in section 401 of chap-
9 ter 20 of title 10, United States Code, and these obliga-
10 tions shall be reported as required by section 401(d) of
11 title 10, United States Code: *Provided*, That funds avail-
12 able for operation and maintenance shall be available for
13 providing humanitarian and similar assistance by using
14 Civic Action Teams in the Trust Territories of the Pacific
15 Islands and freely associated states of Micronesia, pursu-
16 ant to the Compact of Free Association as authorized by
17 Public Law 99-239: *Provided further*, That upon a deter-
18 mination by the Secretary of the Army that such action
19 is beneficial for graduate medical education programs con-
20 ducted at Army medical facilities located in Hawaii, the
21 Secretary of the Army may authorize the provision of med-
22 ical services at such facilities and transportation to such
23 facilities, on a nonreimbursable basis, for civilian patients
24 from American Samoa, the Commonwealth of the North-

1 ern Mariana Islands, the Marshall Islands, the Federated
2 States of Micronesia, Palau, and Guam.

3 ~~SEC. 8012. (a) During fiscal year 2010, the civilian~~
4 ~~personnel of the Department of Defense may not be man-~~
5 ~~aged on the basis of any end-strength, and the manage-~~
6 ~~ment of such personnel during that fiscal year shall not~~
7 ~~be subject to any constraint or limitation (known as an~~
8 ~~end-strength) on the number of such personnel who may~~
9 ~~be employed on the last day of such fiscal year.~~

10 ~~(b) The fiscal year 2011 budget request for the De-~~
11 ~~partment of Defense as well as all justification material~~
12 ~~and other documentation supporting the fiscal year 2011~~
13 ~~Department of Defense budget request shall be prepared~~
14 ~~and submitted to the Congress as if subsections (a) and~~
15 ~~(b) of this provision were effective with regard to fiscal~~
16 ~~year 2011.~~

17 ~~(c) Nothing in this section shall be construed to apply~~
18 ~~to military (civilian) technicians.~~

19 ~~SEC. 8013. None of the funds made available by this~~
20 ~~Act shall be used in any way, directly or indirectly, to in-~~
21 ~~fluence congressional action on any legislation or appro-~~
22 ~~priation matters pending before the Congress.~~

23 ~~SEC. 8014. None of the funds appropriated by this~~
24 ~~Act shall be available for the basic pay and allowances of~~
25 ~~any member of the Army participating as a full-time stu-~~

1 dent and receiving benefits paid by the Secretary of Vet-
 2 erans Affairs from the Department of Defense Education
 3 Benefits Fund when time spent as a full-time student is
 4 credited toward completion of a service commitment: *Pro-*
 5 *vided*, That this section shall not apply to those members
 6 who have reenlisted with this option prior to October 1,
 7 1987: *Provided further*, That this section applies only to
 8 active components of the Army.

9 SEC. 8015. (a) None of the funds appropriated by
 10 this Act shall be available to convert to contractor per-
 11 formance an activity or function of the Department of De-
 12 fense that, on or after the date of the enactment of this
 13 Act, is performed by more than 10 Department of Defense
 14 civilian employees unless—

15 (1) the conversion is based on the result of a
 16 public-private competition that includes a most effi-
 17 cient and cost effective organization plan developed
 18 by such activity or function;

19 (2) the Competitive Sourcing Official deter-
 20 mines that, over all performance periods stated in
 21 the solicitation of offers for performance of the ac-
 22 tivity or function, the cost of performance of the ac-
 23 tivity or function by a contractor would be less costly
 24 to the Department of Defense by an amount that
 25 equals or exceeds the lesser of—

1 ~~(A) 10 percent of the most efficient organi-~~
2 ~~zation's personnel-related costs for performance~~
3 ~~of that activity or function by Federal employ-~~
4 ~~ees; or~~

5 ~~(B) \$10,000,000; and~~

6 ~~(3) the contractor does not receive an advan-~~
7 ~~tage for a proposal that would reduce costs for the~~
8 ~~Department of Defense by—~~

9 ~~(A) not making an employer-sponsored~~
10 ~~health insurance plan available to the workers~~
11 ~~who are to be employed in the performance of~~
12 ~~that activity or function under the contract; or~~

13 ~~(B) offering to such workers an employer-~~
14 ~~sponsored health benefits plan that requires the~~
15 ~~employer to contribute less towards the pre-~~
16 ~~mium or subscription share than the amount~~
17 ~~that is paid by the Department of Defense for~~
18 ~~health benefits for civilian employees under~~
19 ~~chapter 89 of title 5, United States Code.~~

20 ~~(b)(1) The Department of Defense, without regard~~
21 ~~to subsection (a) of this section or subsection (a), (b), or~~
22 ~~(c) of section 2461 of title 10, United States Code, and~~
23 ~~notwithstanding any administrative regulation, require-~~
24 ~~ment, or policy to the contrary shall have full authority~~
25 ~~to enter into a contract for the performance of any com-~~

1 mercial or industrial type function of the Department of
2 Defense that—

3 (A) is included on the procurement list established
4 pursuant to section 2 of the Javits-Wagner-O'Day Act (41
5 U.S.C. 47);

6 (B) is planned to be converted to performance by a
7 qualified nonprofit agency for the blind or by a qualified
8 nonprofit agency for other severely handicapped individ-
9 uals in accordance with that Act; or

10 (C) is planned to be converted to performance by a
11 qualified firm under at least 51 percent ownership by an
12 Indian tribe, as defined in section 4(e) of the Indian Self-
13 Determination and Education Assistance Act (25 U.S.C.
14 450b(e)), or a Native Hawaiian Organization, as defined
15 in section 8(a)(15) of the Small Business Act (15 U.S.C.
16 637(a)(15)).

17 (2) This section shall not apply to depot contracts
18 or contracts for depot maintenance as provided in sections
19 2469 and 2474 of title 10, United States Code.

20 (e) The conversion of any activity or function of the
21 Department of Defense under the authority provided by
22 this section shall be credited toward any competitive or
23 outsourcing goal, target, or measurement that may be es-
24 tablished by statute, regulation, or policy and is deemed
25 to be awarded under the authority of, and in compliance

1 with, subsection (h) of section 2304 of title 10, United
 2 States Code, for the competition or outsourcing of com-
 3 mercial activities.

4 (TRANSFER OF FUNDS)

5 SEC. 8016. Funds appropriated in title III of this Act
 6 for the Department of Defense Pilot Mentor-Protege Pro-
 7 gram may be transferred to any other appropriation con-
 8 tained in this Act solely for the purpose of implementing
 9 a Mentor-Protege Program developmental assistance
 10 agreement pursuant to section 831 of the National De-
 11 fense Authorization Act for Fiscal Year 1991 (Public Law
 12 101-510; 10 U.S.C. 2302 note), as amended, under the
 13 authority of this provision or any other transfer authority
 14 contained in this Act.

15 SEC. 8017. None of the funds in this Act may be
 16 available for the purchase by the Department of Defense
 17 (and its departments and agencies) of welded shipboard
 18 anchor and mooring chain 4 inches in diameter and under
 19 unless the anchor and mooring chain are manufactured
 20 in the United States from components which are substan-
 21 tially manufactured in the United States: *Provided*, That
 22 for the purpose of this section, the term “manufactured”
 23 shall include cutting, heat treating, quality control, testing
 24 of chain and welding (including the forging and shot blast-
 25 ing process): *Provided further*, That for the purpose of this

1 section substantially all of the components of anchor and
2 mooring chain shall be considered to be produced or manu-
3 factured in the United States if the aggregate cost of the
4 components produced or manufactured in the United
5 States exceeds the aggregate cost of the components pro-
6 duced or manufactured outside the United States: *Pro-*
7 *vided further,* That when adequate domestic supplies are
8 not available to meet Department of Defense requirements
9 on a timely basis, the Secretary of the service responsible
10 for the procurement may waive this restriction on a case-
11 by-case basis by certifying in writing to the Committees
12 on Appropriations that such an acquisition must be made
13 in order to acquire capability for national security pur-
14 poses.

15 SEC. 8018. None of the funds available to the De-
16 partment of Defense may be used to demilitarize or dis-
17 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
18 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
19 to demilitarize or destroy small arms ammunition or am-
20 munition components that are not otherwise prohibited
21 from commercial sale under Federal law.

22 SEC. 8019. No more than \$500,000 of the funds ap-
23 propriated or made available in this Act shall be used dur-
24 ing a single fiscal year for any single relocation of an orga-
25 nization, unit, activity or function of the Department of

1 Defense into or within the National Capital Region: *Pro-*
2 *vided*, That the Secretary of Defense may waive this re-
3 striction on a case-by-case basis by certifying in writing
4 to the congressional defense committees that such a relo-
5 cation is required in the best interest of the Government.

6 SEC. 8020. In addition to the funds provided else-
7 where in this Act, \$15,000,000 is appropriated only for
8 incentive payments authorized by section 504 of the In-
9 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
10 That a prime contractor or a subcontractor at any tier
11 that makes a subcontract award to any subcontractor or
12 supplier as defined in section 1544 of title 25, United
13 States Code, or a small business owned and controlled by
14 an individual or individuals defined under section 4221(9)
15 of title 25, United States Code, shall be considered a con-
16 tractor for the purposes of being allowed additional com-
17 pensation under section 504 of the Indian Financing Act
18 of 1974 (25 U.S.C. 1544) whenever the prime contract
19 or subcontract amount is over \$500,000 and involves the
20 expenditure of funds appropriated by an Act making Ap-
21 propriations for the Department of Defense with respect
22 to any fiscal year: *Provided further*, That notwithstanding
23 section 430 of title 41, United States Code, this section
24 shall be applicable to any Department of Defense acquisi-
25 tion of supplies or services, including any contract and any

1 subcontract at any tier for acquisition of commercial items
2 produced or manufactured, in whole or in part by any sub-
3 contractor or supplier defined in section 1544 of title 25,
4 United States Code, or a small business owned and con-
5 trolled by an individual or individuals defined under sec-
6 tion 4221(9) of title 25, United States Code.

7 ~~SEC. 8021.~~ Funds appropriated by this Act for the
8 Defense Media Activity shall not be used for any national
9 or international political or psychological activities.

10 ~~SEC. 8022.~~ None of the funds appropriated by this
11 Act shall be available to perform any cost study pursuant
12 to the provisions of OMB Circular A-76 if the study being
13 performed exceeds a period of 24 months after initiation
14 of such study with respect to a single function activity or
15 30 months after initiation of such study for a multi-func-
16 tion activity, commencing on the date on which the pre-
17 liminary planning for the study begins through the date
18 on which a performance decision is rendered with respect
19 to the function, excluding time during which the study is
20 suspended because of protests before the Government Ac-
21 countability Office or United States Court of Federal
22 Claims but including time during which the study is per-
23 formed subsequent to such protests.

24 ~~SEC. 8023.~~ During the current fiscal year, the De-
25 partment of Defense is authorized to incur obligations of

1 not to exceed \$350,000,000 for purposes specified in sec-
 2 tion 2350j(e) of title 10, United States Code, in anticipa-
 3 tion of receipt of contributions, only from the Government
 4 of Kuwait, under that section: *Provided*, That upon re-
 5 ceipt, such contributions from the Government of Kuwait
 6 shall be credited to the appropriations or fund which in-
 7 curred such obligations.

8 SEC. 8024. (a) Of the funds made available in this
 9 Act, not less than \$34,756,000 shall be available for the
 10 Civil Air Patrol Corporation, of which—

11 (1) \$26,433,000 shall be available from “Oper-
 12 ation and Maintenance, Air Force” to support Civil
 13 Air Patrol Corporation operation and maintenance,
 14 readiness, counter-drug activities, and drug demand
 15 reduction activities involving youth programs;

16 (2) \$7,426,000 shall be available from “Aircraft
 17 Procurement, Air Force”; and

18 (3) \$897,000 shall be available from “Other
 19 Procurement, Air Force” for vehicle procurement.

20 (b) The Secretary of the Air Force should waive reim-
 21 bursement for any funds used by the Civil Air Patrol for
 22 counter-drug activities in support of Federal, State, and
 23 local government agencies.

24 SEC. 8025. (a) None of the funds appropriated in this
 25 Act are available to establish a new Department of De-

1 fense (department) federally funded research and develop-
2 ment center (FFRDC), either as a new entity, or as a
3 separate entity administrated by an organization man-
4 aging another FFRDC, or as a nonprofit membership cor-
5 poration consisting of a consortium of other FFRDCs and
6 other non-profit entities.

7 (b) No member of a Board of Directors, Trustees,
8 Overseers, Advisory Group, Special Issues Panel, Visiting
9 Committee, or any similar entity of a defense FFRDC,
10 and no paid consultant to any defense FFRDC, except
11 when acting in a technical advisory capacity, may be com-
12 pensated for his or her services as a member of such enti-
13 ty, or as a paid consultant by more than one FFRDC in
14 a fiscal year: *Provided*, That a member of any such entity
15 referred to previously in this subsection shall be allowed
16 travel expenses and per diem as authorized under the Fed-
17 eral Joint Travel Regulations, when engaged in the per-
18 formance of membership duties.

19 (c) Notwithstanding any other provision of law, none
20 of the funds available to the department from any source
21 during fiscal year 2010 may be used by a defense FFRDC,
22 through a fee or other payment mechanism, for construc-
23 tion of new buildings, for payment of cost sharing for
24 projects funded by Government grants, for absorption of
25 contract overruns, or for certain charitable contributions,

1 not to include employee participation in community service
2 and/or development.

3 (d) Notwithstanding any other provision of law, of
4 the funds available to the department during fiscal year
5 2010, not more than 5,582 staff years of technical effort
6 (staff years) may be funded for defense FFRDCs, not
7 more than 3,236 staff years may be funded for the sys-
8 tems engineering and integration FFRDCs and not more
9 than 1,264 staff years may be funded for laboratory
10 FFRDCs: *Provided*, That of the specific amount referred
11 to previously in this subsection, not more than 1,082 staff
12 years may be funded for the defense studies and analysis
13 FFRDCs: *Provided further*, That this subsection shall not
14 apply to staff years funded in the National Intelligence
15 Program (NIP) and the Military Intelligence Program
16 (MIP).

17 (e) The Secretary of Defense shall, with the submis-
18 sion of the department's fiscal year 2011 budget request,
19 submit a report presenting the specific amounts of staff
20 years of technical effort to be allocated for each defense
21 FFRDC during that fiscal year and the associated budget
22 estimates.

23 (f) Notwithstanding any other provision of this Act,
24 the total amount appropriated in this Act for FFRDCs
25 is hereby reduced by \$125,200,000.

1 SEC. 8026. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8027. For the purposes of this Act, the term
23 “congressional defense committees” means the Armed
24 Services Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Sub-

1 committee on Defense of the Committee on Appropriations
2 of the Senate, and the Subcommittee on Defense of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8028. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or Defense Agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 direct costs for both public and private bids: *Provided fur-*
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8029. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary's blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2010. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

19 (c) For purposes of this section, the term "Buy
20 American Act" means title III of the Act entitled "An Act
21 making appropriations for the Treasury and Post Office
22 Departments for the fiscal year ending June 30, 1934,
23 and for other purposes", approved March 3, 1933 (41
24 U.S.C. 10a et seq.).

1 ~~SEC. 8030.~~ During the current fiscal year, amounts
2 contained in the Department of Defense Overseas Military
3 Facility Investment Recovery Account established by sec-
4 tion ~~2921(c)(1)~~ of the National Defense Authorization Act
5 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
6 be available until expended for the payments specified by
7 section ~~2921(c)(2)~~ of that Act.

8 ~~SEC. 8031. (a)~~ Notwithstanding any other provision
9 of law, the Secretary of the Air Force may convey at no
10 cost to the Air Force, without consideration, to Indian
11 tribes located in the States of Nevada, Idaho, North Da-
12 kota, South Dakota, Montana, and Minnesota relocatable
13 military housing units located at Grand Forks Air Force
14 Base, Malmstrom Air Force Base, Mountain Home Air
15 Force Base, and Minot Air Force Base that are excess
16 to the needs of the Air Force.

17 ~~(b)~~ The Secretary of the Air Force shall convey, at
18 no cost to the Air Force, military housing units under sub-
19 section ~~(a)~~ in accordance with the request for such units
20 that are submitted to the Secretary by the Operation
21 Walking Shield Program on behalf of Indian tribes located
22 in the States of Nevada, Idaho, North Dakota, South Da-
23 kota, Montana, and Minnesota.

24 ~~(c)~~ The Operation Walking Shield Program shall re-
25 solve any conflicts among requests of Indian tribes for

1 housing units under subsection (a) before submitting re-
2 quests to the Secretary of the Air Force under subsection
3 (b).

4 (d) In this section, the term “Indian tribe” means
5 any recognized Indian tribe included on the current list
6 published by the Secretary of the Interior under section
7 104 of the Federally Recognized Indian Tribe Act of 1994
8 (Public Law 103–454, 108 Stat. 4792, 25 U.S.C. 479a–
9 1).

10 SEC. 8032. During the current fiscal year, appropria-
11 tions which are available to the Department of Defense
12 for operation and maintenance may be used to purchase
13 items having an investment item unit cost of not more
14 than \$250,000.

15 SEC. 8033. (a) During the current fiscal year, none
16 of the appropriations or funds available to the Department
17 of Defense Working Capital Funds shall be used for the
18 purchase of an investment item for the purpose of acquir-
19 ing a new inventory item for sale or anticipated sale dur-
20 ing the current fiscal year or a subsequent fiscal year to
21 customers of the Department of Defense Working Capital
22 Funds if such an item would not have been chargeable
23 to the Department of Defense Business Operations Fund
24 during fiscal year 1994 and if the purchase of such an
25 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

3 (b) The fiscal year 2011 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2011
6 Department of Defense budget shall be prepared and sub-
7 mitted to the Congress on the basis that any equipment
8 which was classified as an end item and funded in a pro-
9 curement appropriation contained in this Act shall be
10 budgeted for in a proposed fiscal year 2011 procurement
11 appropriation and not in the supply management business
12 area or any other area or category of the Department of
13 Defense Working Capital Funds.

14 SEC. 8034. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2011: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for advanced research and development ac-

1 quisation, for agent operations, and for covert action pro-
2 grams authorized by the President under section 503 of
3 the National Security Act of 1947, as amended, shall re-
4 main available until September 30, 2011.

5 SEC. 8035. Notwithstanding any other provision of
6 law, funds made available in this Act for the Defense In-
7 telligence Agency may be used for the design, develop-
8 ment, and deployment of General Defense Intelligence
9 Program intelligence communications and intelligence in-
10 formation systems for the Services, the Unified and Spec-
11 ified Commands, and the component commands.

12 SEC. 8036. Of the funds appropriated to the Depart-
13 ment of Defense under the heading “Operation and Main-
14 tenance, Defense-Wide”, not less than \$12,000,000 shall
15 be made available only for the mitigation of environmental
16 impacts, including training and technical assistance to
17 tribes, related administrative support, the gathering of in-
18 formation, documenting of environmental damage, and de-
19 veloping a system for prioritization of mitigation and cost
20 to complete estimates for mitigation, on Indian lands re-
21 sulting from Department of Defense activities.

22 SEC. 8037. (a) None of the funds appropriated in this
23 Act may be expended by an entity of the Department of
24 Defense unless the entity, in expending the funds, com-
25 plies with the Buy American Act. For purposes of this

1 subsection, the term “Buy American Act” means title III
2 of the Act entitled “An Act making appropriations for the
3 Treasury and Post Office Departments for the fiscal year
4 ending June 30, 1934, and for other purposes”, approved
5 March 3, 1933 (41 U.S.C. 10a et seq.).

6 (b) If the Secretary of Defense determines that a per-
7 son has been convicted of intentionally affixing a label
8 bearing a “Made in America” inscription to any product
9 sold in or shipped to the United States that is not made
10 in America, the Secretary shall determine, in accordance
11 with section 2410f of title 10, United States Code, wheth-
12 er the person should be debarred from contracting with
13 the Department of Defense.

14 (c) In the case of any equipment or products pur-
15 chased with appropriations provided under this Act, it is
16 the sense of the Congress that any entity of the Depart-
17 ment of Defense, in expending the appropriation, purchase
18 only American-made equipment and products, provided
19 that American-made equipment and products are cost-
20 competitive, quality-competitive, and available in a timely
21 fashion.

22 SEC. 8038. None of the funds appropriated by this
23 Act shall be available for a contract for studies, analysis,
24 or consulting services entered into without competition on

1 the basis of an unsolicited proposal unless the head of the
2 activity responsible for the procurement determines—

3 ~~(1) as a result of thorough technical evaluation,~~
4 only one source is found fully qualified to perform
5 the proposed work;

6 ~~(2) the purpose of the contract is to explore an~~
7 unsolicited proposal which offers significant sci-
8 entific or technological promise; represents the prod-
9 uct of original thinking; and was submitted in con-
10 fidence by one source; or

11 ~~(3) the purpose of the contract is to take ad-~~
12 vantage of unique and significant industrial accom-
13 plishment by a specific concern; or to insure that a
14 new product or idea of a specific concern is given fi-
15 nancial support: *Provided*, That this limitation shall
16 not apply to contracts in an amount of less than
17 \$25,000; contracts related to improvements of equip-
18 ment that is in development or production; or con-
19 tracts as to which a civilian official of the Depart-
20 ment of Defense, who has been confirmed by the
21 Senate, determines that the award of such contract
22 is in the interest of the national defense.

23 SEC. 8039. (a) Except as provided in subsections (b)
24 and (c), none of the funds made available by this Act may
25 be used—

1 (1) to establish a field operating agency; or

2 (2) to pay the basic pay of a member of the
3 Armed Forces or civilian employee of the depart-
4 ment who is transferred or reassigned from a head-
5 quarters activity if the member or employee's place
6 of duty remains at the location of that headquarters.

7 (b) The Secretary of Defense or Secretary of a mili-
8 tary department may waive the limitations in subsection
9 (a), on a case-by-case basis, if the Secretary determines,
10 and certifies to the Committees on Appropriations of the
11 House of Representatives and Senate that the granting
12 of the waiver will reduce the personnel requirements or
13 the financial requirements of the department.

14 (c) This section does not apply to—

15 (1) field operating agencies funded within the
16 National Intelligence Program; or

17 (2) an Army field operating agency established
18 to eliminate, mitigate, or counter the effects of im-
19 provised explosive devices; and, as determined by the
20 Secretary of the Army, other similar threats.

21 SEC. 8040. The Secretary of Defense, notwith-
22 standing any other provision of law, acting through the
23 Office of Economic Adjustment of the Department of De-
24 fense, may use funds made available in this Act under the
25 heading "Operation and Maintenance, Defense-Wide" to

1 make grants and supplement other Federal funds in ac-
 2 cordance with the guidance provided in the report of the
 3 Committee on Appropriations of the House of Representa-
 4 tives accompanying this Act.

5 (RESCISSIONS)

6 SEC. 8041. Of the funds appropriated in Department
 7 of Defense Appropriations Acts, the following funds are
 8 hereby rescinded from the following accounts and pro-
 9 grams in the specified amounts:

10 “Other Procurement, Army, 2009/2011”,
 11 \$131,900,000.

12 “Shipbuilding and Conversion, Navy, 2009/
 13 2013”, \$177,767,000.

14 “Other Procurement, Navy, 2009/2011”,
 15 \$18,844,000.

16 “Aircraft Procurement, Air Force, 2009/2011”,
 17 \$687,071,000.

18 “Missile Procurement, Air Force, 2009/2011”,
 19 \$60,000,000.

20 “Other Procurement, Air Force, 2009/2011”,
 21 \$36,400,000.

22 “Research, Development, Test and Evaluation,
 23 Navy, 2009/2010”, \$20,000,000.

24 “Research, Development, Test and Evaluation,
 25 Air Force, 2009/2010”, \$70,000,000.

1 “Research, Development, Test and Evaluation,
2 Defense-Wide, 2009/2010”, \$189,357,000.

3 SEC. 8042. None of the funds available in this Act
4 may be used to reduce the authorized positions for mili-
5 tary (civilian) technicians of the Army National Guard,
6 Air National Guard, Army Reserve and Air Force Reserve
7 for the purpose of applying any administratively imposed
8 civilian personnel ceiling, freeze, or reduction on military
9 (civilian) technicians, unless such reductions are a direct
10 result of a reduction in military force structure.

11 SEC. 8043. None of the funds appropriated or other-
12 wise made available in this Act may be obligated or ex-
13 pended for assistance to the Democratic People’s Republic
14 of Korea unless specifically appropriated for that purpose.

15 SEC. 8044. Funds appropriated in this Act for oper-
16 ation and maintenance of the Military Departments, Com-
17 batant Commands and Defense Agencies shall be available
18 for reimbursement of pay, allowances and other expenses
19 which would otherwise be incurred against appropriations
20 for the National Guard and Reserve when members of the
21 National Guard and Reserve provide intelligence or coun-
22 terintelligence support to Combatant Commands, Defense
23 Agencies and Joint Intelligence Activities, including the
24 activities and programs included within the National Intel-
25 ligence Program and the Military Intelligence Program:

1 ~~Provided,~~ That nothing in this section authorizes deviation
2 from established Reserve and National Guard personnel
3 and training procedures.

4 ~~SEC. 8045.~~ During the current fiscal year, none of
5 the funds appropriated in this Act may be used to reduce
6 the civilian medical and medical support personnel as-
7 signed to military treatment facilities below the September
8 30, 2003, level: ~~Provided,~~ That the Service Surgeons Gen-
9 eral may waive this section by certifying to the congres-
10 sional defense committees that the beneficiary population
11 is declining in some catchment areas and civilian strength
12 reductions may be consistent with responsible resource
13 stewardship and capitation-based budgeting.

14 ~~SEC. 8046.~~ (a) None of the funds available to the
15 Department of Defense for any fiscal year for drug inter-
16 diction or counter-drug activities may be transferred to
17 any other department or agency of the United States ex-
18 cept as specifically provided in an appropriations law.

19 (b) None of the funds available to the Central Intel-
20 ligence Agency for any fiscal year for drug interdiction
21 and counter-drug activities may be transferred to any
22 other department or agency of the United States except
23 as specifically provided in an appropriations law.

24 ~~SEC. 8047.~~ None of the funds appropriated by this
25 Act may be used for the procurement of ball and roller

1 bearings other than those produced by a domestic source
2 and of domestic origin: *Provided*, That the Secretary of
3 the military department responsible for such procurement
4 may waive this restriction on a case-by-case basis by certi-
5 fying in writing to the Committees on Appropriations of
6 the House of Representatives and the Senate, that ade-
7 quate domestic supplies are not available to meet Depart-
8 ment of Defense requirements on a timely basis and that
9 such an acquisition must be made in order to acquire ca-
10 pability for national security purposes: *Provided further*,
11 That this restriction shall not apply to the purchase of
12 “commercial items”, as defined by section 4(12) of the
13 Office of Federal Procurement Policy Act, except that the
14 restriction shall apply to ball or roller bearings purchased
15 as end items.

16 SEC. 8048. None of the funds in this Act may be
17 used to purchase any supercomputer which is not manu-
18 factured in the United States, unless the Secretary of De-
19 fense certifies to the congressional defense committees
20 that such an acquisition must be made in order to acquire
21 capability for national security purposes that is not avail-
22 able from United States manufacturers.

23 SEC. 8049. None of the funds made available in this
24 or any other Act may be used to pay the salary of any
25 officer or employee of the Department of Defense who ap-

1 proves or implements the transfer of administrative re-
2 sponsibilities or budgetary resources of any program,
3 project, or activity financed by this Act to the jurisdiction
4 of another Federal agency not financed by this Act with-
5 out the express authorization of Congress: *Provided*, That
6 this limitation shall not apply to transfers of funds ex-
7 pressly provided for in Defense Appropriations Acts, or
8 provisions of Acts providing supplemental appropriations
9 for the Department of Defense.

10 SEC. 8050. (a) Notwithstanding any other provision
11 of law, none of the funds available to the Department of
12 Defense for the current fiscal year may be obligated or
13 expended to transfer to another nation or an international
14 organization any defense articles or services (other than
15 intelligence services) for use in the activities described in
16 subsection (b) unless the congressional defense commit-
17 tees, the Committee on Foreign Affairs of the House of
18 Representatives, and the Committee on Foreign Relations
19 of the Senate are notified 15 days in advance of such
20 transfer.

21 (b) This section applies to—

22 (1) any international peacekeeping or peace-en-
23 forcement operation under the authority of chapter
24 VI or chapter VII of the United Nations Charter

1 under the authority of a United Nations Security
2 Council resolution; and

3 ~~(2) any other international peacekeeping, peace-~~
4 ~~enforcement, or humanitarian assistance operation.~~

5 ~~(c) A notice under subsection (a) shall include the~~
6 ~~following:~~

7 ~~(1) A description of the equipment, supplies, or~~
8 ~~services to be transferred.~~

9 ~~(2) A statement of the value of the equipment,~~
10 ~~supplies, or services to be transferred.~~

11 ~~(3) In the case of a proposed transfer of equip-~~
12 ~~ment or supplies—~~

13 ~~(A) a statement of whether the inventory~~
14 ~~requirements of all elements of the Armed~~
15 ~~Forces (including the reserve components) for~~
16 ~~the type of equipment or supplies to be trans-~~
17 ~~ferred have been met; and~~

18 ~~(B) a statement of whether the items pro-~~
19 ~~posed to be transferred will have to be replaced~~
20 ~~and, if so, how the President proposes to pro-~~
21 ~~vide funds for such replacement.~~

22 ~~SEC. 8051. None of the funds available to the De-~~
23 ~~partment of Defense under this Act shall be obligated or~~
24 ~~expended to pay a contractor under a contract with the~~

1 Department of Defense for costs of any amount paid by
2 the contractor to an employee when—

3 ~~(1) such costs are for a bonus or otherwise in~~
4 ~~excess of the normal salary paid by the contractor~~
5 ~~to the employee; and~~

6 ~~(2) such bonus is part of restructuring costs as-~~
7 ~~sociated with a business combination.~~

8 ~~(INCLUDING TRANSFER OF FUNDS)~~

9 ~~SEC. 8052. During the current fiscal year, no more~~
10 ~~than \$30,000,000 of appropriations made in this Act~~
11 ~~under the heading “Operation and Maintenance, Defense-~~
12 ~~Wide” may be transferred to appropriations available for~~
13 ~~the pay of military personnel, to be merged with, and to~~
14 ~~be available for the same time period as the appropriations~~
15 ~~to which transferred, to be used in support of such per-~~
16 ~~sonnel in connection with support and services for eligible~~
17 ~~organizations and activities outside the Department of De-~~
18 ~~fense pursuant to section 2012 of title 10, United States~~
19 ~~Code.~~

20 ~~SEC. 8053. During the current fiscal year, in the case~~
21 ~~of an appropriation account of the Department of Defense~~
22 ~~for which the period of availability for obligation has ex-~~
23 ~~pired or which has closed under the provisions of section~~
24 ~~1552 of title 31, United States Code, and which has a~~
25 ~~negative unliquidated or unexpended balance, an obliga-~~

1 tion or an adjustment of an obligation may be charged
2 to any current appropriation account for the same purpose
3 as the expired or closed account if—

4 (1) the obligation would have been properly
5 chargeable (except as to amount) to the expired or
6 closed account before the end of the period of avail-
7 ability or closing of that account;

8 (2) the obligation is not otherwise properly
9 chargeable to any current appropriation account of
10 the Department of Defense; and

11 (3) in the case of an expired account, the obli-
12 gation is not chargeable to a current appropriation
13 of the Department of Defense under the provisions
14 of section 1405(b)(8) of the National Defense Au-
15 thorization Act for Fiscal Year 1991, Public Law
16 101-510, as amended (~~31~~ U.S.C. 1551 note): *Pro-*
17 *vided*, That in the case of an expired account, if sub-
18 sequent review or investigation discloses that there
19 was not in fact a negative unliquidated or unex-
20 pended balance in the account, any charge to a cur-
21 rent account under the authority of this section shall
22 be reversed and recorded against the expired ac-
23 count: *Provided further*, That the total amount
24 charged to a current appropriation under this sec-

1 tion may not exceed an amount equal to 1 percent
2 of the total appropriation for that account.

3 SEC. 8054. (a) Notwithstanding any other provision
4 of law, the Chief of the National Guard Bureau may per-
5 mit the use of equipment of the National Guard Distance
6 Learning Project by any person or entity on a space-avail-
7 able, reimbursable basis. The Chief of the National Guard
8 Bureau shall establish the amount of reimbursement for
9 such use on a case-by-case basis.

10 (b) Amounts collected under subsection (a) shall be
11 credited to funds available for the National Guard Dis-
12 tance Learning Project and be available to defray the costs
13 associated with the use of equipment of the project under
14 that subsection. Such funds shall be available for such
15 purposes without fiscal year limitation.

16 SEC. 8055. Using funds available by this Act or any
17 other Act, the Secretary of the Air Force, pursuant to a
18 determination under section 2690 of title 10, United
19 States Code, may implement cost-effective agreements for
20 required heating facility modernization in the
21 Kaiserslautern Military Community in the Federal Repub-
22 lic of Germany. *Provided*, That in the City of
23 Kaiserslautern such agreements will include the use of
24 United States anthracite as the base load energy for mu-
25 nicipal district heat to the United States Defense installa-

1 tions: *Provided further*, That at Landstuhl Army Regional
 2 Medical Center and Ramstein Air Base, furnished heat
 3 may be obtained from private, regional or municipal serv-
 4 ices, if provisions are included for the consideration of
 5 United States coal as an energy source.

6 SEC. 8056. None of the funds appropriated in title
 7 IV of this Act may be used to procure end-items for deliv-
 8 ery to military forces for operational training, operational
 9 use or inventory requirements: *Provided*, That this restric-
 10 tion does not apply to end-items used in development,
 11 prototyping, and test activities preceding and leading to
 12 acceptance for operational use: *Provided further*, That this
 13 restriction does not apply to programs funded within the
 14 National Intelligence Program: *Provided further*, That the
 15 Secretary of Defense may waive this restriction on a case-
 16 by-case basis by certifying in writing to the Committees
 17 on Appropriations of the House of Representatives and the
 18 Senate that it is in the national security interest to do
 19 so.

20 SEC. 8057. None of the funds made available in this
 21 Act may be used to approve or license the sale of the F-
 22 22A advanced tactical fighter to any foreign government.

23 SEC. 8058. (a) The Secretary of Defense may, on a
 24 case-by-case basis, waive with respect to a foreign country
 25 each limitation on the procurement of defense items from

1 foreign sources provided in law if the Secretary determines
 2 that the application of the limitation with respect to that
 3 country would invalidate cooperative programs entered
 4 into between the Department of Defense and the foreign
 5 country, or would invalidate reciprocal trade agreements
 6 for the procurement of defense items entered into under
 7 section ~~2531~~ of title 10, United States Code, and the
 8 country does not discriminate against the same or similar
 9 defense items produced in the United States for that coun-
 10 try.

11 (b) Subsection (a) applies with respect to—

12 (1) contracts and subcontracts entered into on
 13 or after the date of the enactment of this Act; and

14 (2) options for the procurement of items that
 15 are exercised after such date under contracts that
 16 are entered into before such date if the option prices
 17 are adjusted for any reason other than the applica-
 18 tion of a waiver granted under subsection (a).

19 (c) Subsection (a) does not apply to a limitation re-
 20 garding construction of public vessels, ball and roller bear-
 21 ings, food, and clothing or textile materials as defined by
 22 section ~~11~~ (chapters ~~50–65~~) of the Harmonized Tariff
 23 Schedule and products classified under headings ~~4010~~,
 24 ~~4202~~, ~~4203~~, ~~6401~~ through ~~6406~~, ~~6505~~, ~~7019~~, ~~7218~~

1 through 7229, 7304.41 through 7304.49, 7306.40, 7502
2 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

3 ~~SEC. 8059. (a) None of the funds made available by~~
4 ~~this Act may be used to support any training program in-~~
5 ~~volving a unit of the security forces of a foreign country~~
6 ~~if the Secretary of Defense has received credible informa-~~
7 ~~tion from the Department of State that the unit has com-~~
8 ~~mitted a gross violation of human rights, unless all nec-~~
9 ~~essary corrective steps have been taken.~~

10 ~~(b) The Secretary of Defense, in consultation with the~~
11 ~~Secretary of State, shall ensure that prior to a decision~~
12 ~~to conduct any training program referred to in subsection~~
13 ~~(a), full consideration is given to all credible information~~
14 ~~available to the Department of State relating to human~~
15 ~~rights violations by foreign security forces.~~

16 ~~(c) The Secretary of Defense, after consultation with~~
17 ~~the Secretary of State, may waive the prohibition in sub-~~
18 ~~section (a) if he determines that such waiver is required~~
19 ~~by extraordinary circumstances.~~

20 ~~(d) Not more than 15 days after the exercise of any~~
21 ~~waiver under subsection (c), the Secretary of Defense shall~~
22 ~~submit a report to the congressional defense committees~~
23 ~~describing the extraordinary circumstances, the purpose~~
24 ~~and duration of the training program, the United States~~
25 ~~forces and the foreign security forces involved in the train-~~

1 ing program, and the information relating to human rights
2 violations that necessitates the waiver.

3 ~~SEC. 8060. None of the funds appropriated or made~~
4 ~~available in this Act to the Department of the Navy shall~~
5 ~~be used to develop, lease or procure the T-AKE class of~~
6 ~~ships unless the main propulsion diesel engines and~~
7 ~~propulsors are manufactured in the United States by a~~
8 ~~domestically operated entity: *Provided*, That the Secretary~~
9 ~~of Defense may waive this restriction on a case-by-case~~
10 ~~basis by certifying in writing to the Committees on Appro-~~
11 ~~priations of the House of Representatives and the Senate~~
12 ~~that adequate domestic supplies are not available to meet~~
13 ~~Department of Defense requirements on a timely basis~~
14 ~~and that such an acquisition must be made in order to~~
15 ~~acquire capability for national security purposes or there~~
16 ~~exists a significant cost or quality difference.~~

17 ~~SEC. 8061. None of the funds appropriated or other-~~
18 ~~wise made available by this or other Department of De-~~
19 ~~fense Appropriations Acts may be obligated or expended~~
20 ~~for the purpose of performing repairs or maintenance to~~
21 ~~military family housing units of the Department of De-~~
22 ~~fense, including areas in such military family housing~~
23 ~~units that may be used for the purpose of conducting offi-~~
24 ~~cial Department of Defense business.~~

1 ~~SEC. 8062.~~ Notwithstanding any other provision of
2 law, funds appropriated in this Act under the heading
3 “Research, Development, Test and Evaluation, Defense-
4 Wide” for any new start advanced concept technology
5 demonstration project or joint capability demonstration
6 project may only be obligated 30 days after a report, in-
7 cluding a description of the project, the planned acquisi-
8 tion and transition strategy and its estimated annual and
9 total cost, has been provided in writing to the congres-
10 sional defense committees: *Provided*, That the Secretary
11 of Defense may waive this restriction on a case-by-case
12 basis by certifying to the congressional defense committees
13 that it is in the national interest to do so.

14 ~~SEC. 8063.~~ The Secretary of Defense shall provide
15 a classified quarterly report beginning 30 days after enact-
16 ment of this Act, to the House and Senate Appropriations
17 Committees, Subcommittees on Defense on certain mat-
18 ters as directed in the classified annex accompanying this
19 Act.

20 ~~SEC. 8064.~~ During the current fiscal year, none of
21 the funds available to the Department of Defense may be
22 used to provide support to another department or agency
23 of the United States if such department or agency is more
24 than 90 days in arrears in making payment to the Depart-
25 ment of Defense for goods or services previously provided

1 to such department or agency on a reimbursable basis:
 2 *Provided*, That this restriction shall not apply if the de-
 3 partment is authorized by law to provide support to such
 4 department or agency on a nonreimbursable basis, and is
 5 providing the requested support pursuant to such author-
 6 ity: *Provided further*, That the Secretary of Defense may
 7 waive this restriction on a case-by-case basis by certifying
 8 in writing to the Committees on Appropriations of the
 9 House of Representatives and the Senate that it is in the
 10 national security interest to do so.

11 SEC. 8065. Notwithstanding section 12310(b) of title
 12 10, United States Code, a Reserve who is a member of
 13 the National Guard serving on full-time National Guard
 14 duty under section 502(f) of title 32, United States Code,
 15 may perform duties in support of the ground-based ele-
 16 ments of the National Ballistic Missile Defense System.

17 SEC. 8066. None of the funds provided in this Act
 18 may be used to transfer to any nongovernmental entity
 19 ammunition held by the Department of Defense that has
 20 a center-fire cartridge and a United States military no-
 21 menclature designation of “armor penetrator”, “armor
 22 piercing (AP)”, “armor piercing incendiary (API)”, or
 23 “armor-piercing incendiary-tracer (API-T)”, except to an
 24 entity performing demilitarization services for the Depart-
 25 ment of Defense under a contract that requires the entity

1 to demonstrate to the satisfaction of the Department of
2 Defense that armor piercing projectiles are either: (1) ren-
3 dered incapable of reuse by the demilitarization process;
4 or (2) used to manufacture ammunition pursuant to a con-
5 tract with the Department of Defense or the manufacture
6 of ammunition for export pursuant to a License for Per-
7 manent Export of Unclassified Military Articles issued by
8 the Department of State.

9 SEC. 8067. Notwithstanding any other provision of
10 law, the Chief of the National Guard Bureau, or his des-
11 ignee, may waive payment of all or part of the consider-
12 ation that otherwise would be required under section 2667
13 of title 10, United States Code, in the case of a lease of
14 personal property for a period not in excess of 1 year to
15 any organization specified in section 508(d) of title 32,
16 United States Code, or any other youth, social, or fra-
17 ternal nonprofit organization as may be approved by the
18 Chief of the National Guard Bureau, or his designee, on
19 a case-by-case basis.

20 SEC. 8068. None of the funds appropriated by this
21 Act shall be used for the support of any nonappropriated
22 funds activity of the Department of Defense that procures
23 malt beverages and wine with nonappropriated funds for
24 resale (including such alcoholic beverages sold by the
25 drink) on a military installation located in the United

1 States unless such malt beverages and wine are procured
 2 within that State, or in the case of the District of Colum-
 3 bia, within the District of Columbia, in which the military
 4 installation is located: *Provided*, That in a case in which
 5 the military installation is located in more than one State,
 6 purchases may be made in any State in which the installa-
 7 tion is located: *Provided further*, That such local procure-
 8 ment requirements for malt beverages and wine shall
 9 apply to all alcoholic beverages only for military installa-
 10 tions in States which are not contiguous with another
 11 State: *Provided further*, That alcoholic beverages other
 12 than wine and malt beverages, in contiguous States and
 13 the District of Columbia shall be procured from the most
 14 competitive source, price and other factors considered.

15 SEC. 8069. Funds available to the Department of De-
 16 fense for the Global Positioning System during the current
 17 fiscal year may be used to fund civil requirements associ-
 18 ated with the satellite and ground control segments of
 19 such system's modernization program.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8070. Of the amounts appropriated in this Act
 22 under the heading "Operation and Maintenance, Army",
 23 \$106,754,000 shall remain available until expended: *Pro-*
 24 *vided*, That notwithstanding any other provision of law,
 25 the Secretary of Defense is authorized to transfer such

1 funds to other activities of the Federal Government: *Pro-*
 2 *vided further*, That the Secretary of Defense is authorized
 3 to enter into and carry out contracts for the acquisition
 4 of real property, construction, personal services, and oper-
 5 ations related to projects carrying out the purposes of this
 6 section: *Provided further*, That contracts entered into
 7 under the authority of this section may provide for such
 8 indemnification as the Secretary determines to be nec-
 9 essary: *Provided further*, That projects authorized by this
 10 section shall comply with applicable Federal, State, and
 11 local law to the maximum extent consistent with the na-
 12 tional security, as determined by the Secretary of Defense.

13 SEC. 8071. Section 8106 of the Department of De-
 14 fense Appropriations Act, 1997 (titles I through VIII of
 15 the matter under subsection 101(b) of Public Law 104-
 16 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
 17 tinue in effect to apply to disbursements that are made
 18 by the Department of Defense in fiscal year 2010.

19 SEC. 8072. In addition to amounts provided else-
 20 where in this Act, \$5,000,000 is hereby appropriated to
 21 the Department of Defense, to remain available for obliga-
 22 tion until expended: *Provided*, That notwithstanding any
 23 other provision of law, these funds shall be available only
 24 for a grant to the Fisher House Foundation, Inc., only
 25 for the construction and furnishing of additional Fisher

1 Houses to meet the needs of military family members
2 when confronted with the illness or hospitalization of an
3 eligible military beneficiary.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8073. Of the amounts appropriated in this Act
6 under the heading “Research, Development, Test and
7 Evaluation, Defense-Wide”, \$202,434,000 shall be for the
8 Israeli Cooperative Programs: *Provided*, That of this
9 amount, \$45,792,000 shall be for the Short Range Bal-
10 listic Missile Defense (SRBMD) program, \$50,036,000
11 shall be available for an upper-tier component to the
12 Israeli Missile Defense Architecture, and \$72,400,000
13 shall be for the Arrow Missile Defense Program, of which
14 \$25,000,000 shall be for producing Arrow missile compo-
15 nents in the United States and Arrow missile components
16 in Israel to meet Israel’s defense requirements, consistent
17 with each nation’s laws, regulations and procedures: *Pro-*
18 *vided further*, That funds made available under this provi-
19 sion for production of missiles and missile components
20 may be transferred to appropriations available for the pro-
21 curement of weapons and equipment, to be merged with
22 and to be available for the same time period and the same
23 purposes as the appropriation to which transferred: *Pro-*
24 *vided further*, That the transfer authority provided under

1 this provision is in addition to any other transfer authority
 2 contained in this Act.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8074. Of the amounts appropriated in this Act
 5 under the heading “Shipbuilding and Conversion, Navy”,
 6 \$454,586,000 shall be available until September 30, 2010,
 7 to fund prior year shipbuilding cost increases: *Provided*,
 8 That upon enactment of this Act, the Secretary of the
 9 Navy shall transfer such funds to the following appropria-
 10 tions in the amounts specified: *Provided further*, That the
 11 amounts transferred shall be merged with and be available
 12 for the same purposes as the appropriations to which
 13 transferred.

14 To:

15 Under the heading Shipbuilding and Conversion,
 16 Navy, 2004/2010:

17 New SSN, \$26,906,000.

18 LPD-17 Amphibious Transport Dock Program,
 19 \$16,844,000.

20 Under the heading Shipbuilding and Conversion,
 21 Navy, 2005/2010:

22 New SSN, \$18,702,000.

23 LPD-17 Amphibious Transport Dock Program,
 24 \$16,498,000.

1 Under the heading Shipbuilding and Conversion,
2 Navy, 2007/2011:

3 ~~DD(X) Program, \$309,636,000.~~

4 Under the heading Shipbuilding and Conversion,
5 Navy, 2008/2012:

6 ~~LPD-17 Amphibious Transport Dock Program,~~
7 ~~\$66,000,000.~~

8 ~~SEC. 8075.~~ None of the funds available to the De-
9 partment of Defense may be obligated to modify command
10 and control relationships to give Fleet Forces Command
11 administrative and operational control of United States
12 Navy forces assigned to the Pacific fleet: *Provided*, That
13 the command and control relationships which existed on
14 October 1, 2004, shall remain in force unless changes are
15 specifically authorized in a subsequent Act.

16 ~~SEC. 8076.~~ Notwithstanding any other provision of
17 law or regulation, the Secretary of Defense may exercise
18 the provisions of section 7403(g) of title 38, United States
19 Code, for occupations listed in section 7403(a)(2) of title
20 38, United States Code, as well as the following:

21 Pharmacists, Audiologists, Psychologists, Social
22 Workers, Orthotists/Prosthetists, Occupational
23 Therapists, Physical Therapists, Rehabilitation
24 Therapy Assistants, Respiratory Therapists, Speech
25 Pathologists, Dietitian/Nutritionists, Industrial Hy-

1 gienists, Psychology Technicians, Social Service As-
2 sistants, Practical Nurses, Nursing Assistants, Med-
3 ical Technologists, Medical Technicians, Pharmacy
4 Technicians, Health System Specialists, Medical In-
5 strument Technicians, and Dental Hygienists:

6 (A) The requirements of section
7 7403(g)(1)(A) of title 38, United States Code,
8 shall apply.

9 (B) The limitations of section
10 7403(g)(1)(B) of title 38, United States Code,
11 shall not apply.

12 SEC. 8077. Funds appropriated by this Act, or made
13 available by the transfer of funds in this Act, for intel-
14 ligence activities are deemed to be specifically authorized
15 by the Congress for purposes of section 504 of the Na-
16 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
17 year 2010 until the enactment of the Intelligence Author-
18 ization Act for Fiscal Year 2010.

19 SEC. 8078. None of the funds provided in this Act
20 shall be available for obligation or expenditure through a
21 reprogramming of funds that creates or initiates a new
22 program, project, or activity unless such program, project,
23 or activity must be undertaken immediately in the interest
24 of national security and only after written prior notifica-
25 tion to the congressional defense committees.

1 ~~SEC. 8079.~~ (a) In addition to the amounts provided
2 elsewhere in this Act, ~~\$3,000,000~~ is hereby appropriated
3 to the Department of Defense for “Operation and Mainte-
4 nance, Army National Guard”. Such amount shall be
5 made available to the Secretary of the Army only to make
6 a grant in the amount of ~~\$3,000,000~~ to the entity speci-
7 fied in subsection (b) to facilitate access by veterans to
8 opportunities for skilled employment in the construction
9 industry.

10 (b) The entity referred to in subsection (a) is the
11 Center for Military Recruitment, Assessment and Vet-
12 erans Employment, a nonprofit labor-management co-
13 operation committee provided for by section ~~302(c)(9)~~ of
14 the Labor-Management Relations Act, 1947 (29 U.S.C.
15 ~~186(c)(9)~~), for the purposes set forth in section 6(b) of
16 the Labor Management Cooperation Act of 1978 (29
17 U.S.C. 175a note).

18 ~~SEC. 8080.~~ The budget of the President for fiscal
19 year ~~2011~~ submitted to the Congress pursuant to section
20 ~~1105~~ of title ~~31~~, United States Code, shall include sepa-
21 rate budget justification documents for costs of United
22 States Armed Forces’ participation in contingency oper-
23 ations for the Military Personnel accounts, the Operation
24 and Maintenance accounts, and the Procurement ac-
25 counts: *Provided*, That these documents shall include a de-

1 scription of the funding requested for each contingency op-
2 eration, for each military service, to include all Active and
3 Reserve components, and for each appropriations account:
4 *Provided further*, That these documents shall include esti-
5 mated costs for each element of expense or object class,
6 a reconciliation of increases and decreases for each contin-
7 gency operation, and programmatic data including, but
8 not limited to, troop strength for each Active and Reserve
9 component, and estimates of the major weapons systems
10 deployed in support of each contingency: *Provided further*,
11 That these documents shall include budget exhibits OP-
12 5 and OP-32 (as defined in the Department of Defense
13 Financial Management Regulation) for all contingency op-
14 erations for the budget year and the two preceding fiscal
15 years.

16 SEC. 8081. None of the funds in this Act may be
17 used for research, development, test, evaluation, procure-
18 ment or deployment of nuclear armed interceptors of a
19 missile defense system.

20 SEC. 8082. Up to \$2,500,000 of the funds appro-
21 priated under the heading "Operation and Maintenance,
22 Navy" in this Act for the Pacific Missile Range Facility
23 may be made available to contract for the repair, mainte-
24 nance, and operation of adjacent off-base water, drainage,
25 and flood control systems; electrical upgrade to support

1 additional missions critical to base operations, and support
2 for a range footprint expansion to further guard against
3 encroachment.

4 ~~SEC. 8083.~~ In addition to the amounts appropriated
5 or otherwise made available elsewhere in this Act,
6 \$88,700,000 is hereby appropriated to the Department of
7 Defense: *Provided*, That the Secretary of Defense shall
8 make grants in the amounts specified as follows:
9 \$20,000,000 to the United Service Organizations;
10 \$30,000,000 to the Red Cross; \$6,000,000 to the SOAR
11 Virtual School District; \$5,000,000 to The Presidio Herit-
12 age Center; \$5,000,000 to the Paralympics Military Pro-
13 gram; \$4,800,000 to the Arrest Deterioration of Ford Is-
14 land Aviation Control Tower, Pearl Harbor, Hawaii;
15 \$2,000,000 to the Go For Broke program; \$1,000,000 to
16 Our Military Kids; \$3,000,000 to the New Jersey Tech-
17 nology Center; \$2,000,000 to the Women in Military Serv-
18 ice for America Memorial; \$500,000 to the Marshall Leg-
19 acy Institute; \$1,000,000 to the Vietnam Veterans Memo-
20 rial Fund for Demining Activities; \$7,400,000 to the Ed-
21 ward M. Kennedy Institute for the Senate; and
22 \$1,000,000 for the Riverside General Hospital in Hous-
23 ton, Texas, for the treatment of psychological health
24 issues.

1 ~~SEC. 8084.~~ None of the funds appropriated or made
2 available in this Act shall be used to reduce or disestablish
3 the operation of the ~~53rd~~ Weather Reconnaissance Squad-
4 ron of the Air Force Reserve, if such action would reduce
5 the ~~WC-130~~ Weather Reconnaissance mission below the
6 levels funded in this Act: *Provided,* That the Air Force
7 shall allow the ~~53rd~~ Weather Reconnaissance Squadron to
8 perform other missions in support of national defense re-
9 quirements during the non-hurricane season.

10 ~~SEC. 8085.~~ None of the funds provided in this Act
11 shall be available for integration of foreign intelligence in-
12 formation unless the information has been lawfully col-
13 lected and processed during the conduct of authorized for-
14 eign intelligence activities: *Provided,* That information
15 pertaining to United States persons shall only be handled
16 in accordance with protections provided in the Fourth
17 Amendment of the United States Constitution as imple-
18 mented through Executive Order No. ~~12333~~.

19 ~~SEC. 8086.~~ (a) At the time members of reserve com-
20 ponents of the Armed Forces are called or ordered to ac-
21 tive duty under section ~~12302~~(a) of title 10, United States
22 Code, each member shall be notified in writing of the ex-
23 pected period during which the member will be mobilized.

24 (b) The Secretary of Defense may waive the require-
25 ments of subsection (a) in any case in which the Secretary

1 determines that it is necessary to do so to respond to a
2 national security emergency or to meet dire operational
3 requirements of the Armed Forces.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8087. The Secretary of Defense may transfer
6 funds from any available Department of the Navy appro-
7 priation to any available Navy ship construction appro-
8 priation for the purpose of liquidating necessary changes
9 resulting from inflation, market fluctuations, or rate ad-
10 justments for any ship construction program appropriated
11 in law: *Provided*, That the Secretary may transfer not to
12 exceed \$100,000,000 under the authority provided by this
13 section: *Provided further*, That the Secretary may not
14 transfer any funds until 30 days after the proposed trans-
15 fer has been reported to the Committees on Appropria-
16 tions of the House of Representatives and the Senate, un-
17 less a response from the Committees is received sooner:
18 *Provided further*, That the transfer authority provided by
19 this section is in addition to any other transfer authority
20 contained elsewhere in this Act.

21 SEC. 8088. For purposes of section 612 of title 41,
22 United States Code, any subdivision of appropriations
23 made under the heading “Shipbuilding and Conversion,
24 Navy” that is not closed at the time reimbursement is
25 made shall be available to reimburse the Judgment Fund

1 and shall be considered for the same purposes as any sub-
2 division under the heading “Shipbuilding and Conversion,
3 Navy” appropriations in the current fiscal year or any
4 prior fiscal year.

5 SEC. 8089. (a) None of the funds appropriated by
6 this Act may be used to transfer research and develop-
7 ment, acquisition, or other program authority relating to
8 current tactical unmanned aerial vehicles (TUAVs) from
9 the Army.

10 (b) None of the funds appropriated by this Act may
11 be used to institute an inter-Service common contract for
12 acquisition of MQ-1 or MQ-1C UAVs until 30 days after
13 the Secretary of Defense certifies to the congressional de-
14 fense committees that a common contract would achieve
15 cost savings, be interoperable with, and not create undue
16 sustainment costs compared to the current fleet.

17 SEC. 8090. Notwithstanding any other provision of
18 law or regulation, the Secretary of Defense may adjust
19 wage rates for civilian employees hired for certain health
20 care occupations as authorized for the Secretary of Vet-
21 erans Affairs by section 7455 of title 38, United States
22 Code.

23 SEC. 8091. Up to \$15,000,000 of the funds appro-
24 priated under the heading, “Operation and Maintenance,
25 Navy” may be made available for the Asia Pacific Re-

1 gional Initiative Program for the purpose of enabling the
2 Pacific Command to execute Theater Security Cooperation
3 activities such as humanitarian assistance, and payment
4 of incremental and personnel costs of training and exer-
5 cising with foreign security forces: *Provided*, That funds
6 made available for this purpose may be used, notwith-
7 standing any other funding authorities for humanitarian
8 assistance, security assistance or combined exercise ex-
9 penses: *Provided further*, That funds may not be obligated
10 to provide assistance to any foreign country that is other-
11 wise prohibited from receiving such type of assistance
12 under any other provision of law.

13 ~~SEC. 8092.~~ None of the funds appropriated by this
14 Act for programs of the Office of the Director of National
15 Intelligence shall remain available for obligation beyond
16 the current fiscal year, except for funds appropriated for
17 research and technology, which shall remain available until
18 September 30, 2011.

19 ~~SEC. 8093.~~ For purposes of section 1553(b) of title
20 31, United States Code, any subdivision of appropriations
21 made in this Act under the heading “Shipbuilding and
22 Conversion, Navy” shall be considered to be for the same
23 purpose as any subdivision under the heading “Ship-
24 building and Conversion, Navy” appropriations in any

1 prior fiscal year, and the 1 percent limitation shall apply
2 to the total amount of the appropriation.

3 SEC. 8094. Notwithstanding any other provision of
4 law, that not more than 35 percent of funds provided in
5 this Act for environmental remediation may be obligated
6 under indefinite delivery/indefinite quantity contracts with
7 a total contract value of \$130,000,000 or higher.

8 SEC. 8095. The Secretary of Defense shall create a
9 major force program category for space for the Future
10 Years Defense Program of the Department of Defense.
11 The Secretary of Defense shall designate an official in the
12 Office of the Secretary of Defense to provide overall super-
13 vision of the preparation and justification of program rec-
14 ommendations and budget proposals to be included in such
15 major force program category.

16 SEC. 8096. The Director of National Intelligence
17 shall include the budget exhibits identified in paragraphs
18 (1) and (2) as described in the Department of Defense
19 Financial Management Regulation with the congressional
20 budget justification books.

21 (1) For procurement programs requesting more
22 than \$20,000,000 in any fiscal year, the P-1, Pro-
23 curement Program; P-5, Cost Analysis; P-5a, Pro-
24 curement History and Planning; P-21, Production
25 Schedule; and P-40, Budget Item Justification.

1 (2) For research, development, test and evalua-
2 tion projects requesting more than \$10,000,000 in
3 any fiscal year, the R-1, RDT&E Program; R-2,
4 RDT&E Budget Item Justification; R-3, RDT&E
5 Project Cost Analysis; and R-4, RDT&E Program
6 Schedule Profile.

7 SEC. 8097. Notwithstanding any other provision of
8 law, none of the funds made available in this Act may be
9 used to pay negotiated indirect cost rates on a contract,
10 grant, or cooperative agreement (or similar arrangement)
11 entered into by the Department of Defense and an entity
12 in excess of 35 percent of the total cost of the contract,
13 grant, or agreement (or similar arrangement): *Provided,*
14 That this limitation shall apply only to funds made avail-
15 able in this Act for basic research.

16 SEC. 8098. The Secretary of Defense shall maintain
17 on the homepage of the Internet website of the Depart-
18 ment of Defense a direct link to the Internet website of
19 the Office of Inspector General of the Department of De-
20 fense.

21 SEC. 8099. (a) Not later than 60 days after enact-
22 ment of this Act, the Office of the Director of National
23 Intelligence shall submit a report to the congressional in-
24 telligence committees to establish the baseline for applica-

tion of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8100. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and

1 proposed appropriations included in that budget. Any such
2 future-years intelligence program shall cover the fiscal
3 year with respect to which the budget is submitted and
4 at least the four succeeding fiscal years.

5 SEC. 8101. For the purposes of this Act, the term
6 “congressional intelligence committees” means the Perma-
7 nent Select Committee on Intelligence of the House of
8 Representatives, the Select Committee on Intelligence of
9 the Senate, the Subcommittee on Defense of the Com-
10 mittee on Appropriations of the House of Representatives,
11 and the Subcommittee on Defense of the Committee on
12 Appropriations of the Senate.

13 SEC. 8102. The Department of Defense shall con-
14 tinue to report incremental contingency operations costs
15 for Operation Iraqi Freedom and Operation Enduring
16 Freedom on a monthly basis in the Cost of War Execution
17 Report as prescribed in the Department of Defense Finan-
18 cial Management Regulation Department of Defense In-
19 struction 7000.14, Volume 12, Chapter 23 “Contingency
20 Operations”, Annex 1, dated September 2005.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8103. (a) CONTINUATION OF STOP-LOSS SPE-
23 cial Pay.—In addition to the amounts appropriated or
24 otherwise made available elsewhere in this Act,
25 \$8,300,000 is hereby appropriated to the Secretary of De-

1 fense to carry out this section. Such amount shall be made
2 available to the Secretaries of the military departments
3 only to provide special pay during fiscal year 2010 to
4 members of the Army, Navy, Air Force, and Marine
5 Corps, including members of their reserve components,
6 who, at any time during fiscal year 2010, serve on active
7 duty while the members' enlistment or period of obligated
8 service is extended, or whose eligibility for retirement is
9 suspended, pursuant to section 123 or 12305 of title 10,
10 United States Code, or any other provision of law (com-
11 monly referred to as a "stop-loss authority") authorizing
12 the President to extend an enlistment or period of obli-
13 gated service, or suspend an eligibility for retirement, of
14 a member of the uniformed services in time of war or of
15 national emergency declared by Congress or the President.

16 (b) SPECIAL PAY AMOUNT.—The amount of the spe-
17 cial pay paid under subsection (a) to or on behalf of an
18 eligible member shall be \$500 per month for each month
19 or portion of a month during fiscal year 2010 that the
20 member is retained on active duty as a result of applica-
21 tion of the stop-loss authority.

22 (c) TREATMENT OF DECEASED MEMBERS.—If an eli-
23 gible member described in subsection (a) dies before the
24 payment required by this section is made, the Secretary

1 concerned shall make the payment in accordance with sec-
 2 tion 2771 of title 10, United States Code.

3 (d) ~~CLARIFICATION OF RETROACTIVE STOP-LOSS~~
 4 ~~SPECIAL PAY AUTHORITY.~~—Section 310 of the Supple-
 5 mental Appropriations Act, 2009 (Public Law 111–32) is
 6 amended by adding at the end the following new sub-
 7 section:

8 “(i) ~~EFFECT OF SUBSEQUENT REENLISTMENT OF~~
 9 ~~VOLUNTARY EXTENSION OF SERVICE.~~—Members of the
 10 Armed Forces, retired members, and former members oth-
 11 erwise described in subsection (a) are not eligible for a
 12 payment under this section if the members—

13 “(1) voluntarily reenlisted or extended their
 14 service after their enlistment or period of obligated
 15 service was extended, or after their eligibility for re-
 16 tirement was suspended, pursuant to a stop-loss au-
 17 thority; and

18 “(2) received a bonus for such reenlistment or
 19 extension of service.”.

20 SEC. 8104. Appropriations available to the Depart-
 21 ment of Defense for the purchase of heavy and light ar-
 22 mored vehicles for force protection purposes may be used
 23 for such purchase, up to a limit of \$262,000 per vehicle,
 24 notwithstanding other limitations applicable to the pur-
 25 chase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. During the current fiscal year, not to exceed \$12,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That the funds transferred under this provision are to be merged with, and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8107. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expendi-

1 ture through a reprogramming of funds in accordance
 2 with section 102A(d) of the National Security Act of 1947
 3 (~~50 U.S.C. 403–1(d)~~) unless the Committees on Appro-
 4 priations of the House of Representatives and the Senate
 5 are notified 15 days in advance of the reprogramming
 6 that—

7 (1) creates or initiates a new program, project
 8 or activity;

9 (2) eliminates a program, project or activity;

10 (3) augments funds for existing projects in ex-
 11 cess of 10 percent or more; or

12 (4) reduces by 10 percent or more funding or
 13 personnel for a project.

14 (b) None of the funds provided for the National intel-
 15 ligence Program in this or any prior appropriations Act
 16 shall be available for obligation or expenditure through a
 17 reprogramming of funds in accordance with section
 18 102A(d) of the National Security Act of 1947 (~~50 U.S.C.~~
 19 ~~403–1(d)~~) made after August 1, 2010, except in extraor-
 20 dinary circumstances and after the Committees on Appro-
 21 priations of the House of Representatives and the Senate
 22 are notified 30 days in advance of the reprogramming.

23 SEC. 8108. None of the funds appropriated or other-
 24 wise made available by this Act, or that remain available
 25 for obligation for the Department of Defense from the

1 Consolidated Security, Disaster Assistance, and Con-
2 tinuing Appropriations Act, 2009 (Public Law 110–329),
3 the American Recovery and Reinvestment Act of 2009
4 (Public Law 111–5), and the Supplemental Appropria-
5 tions Act, 2009 (Public Law 111–32), may be used to
6 award to a contractor or convert to performance by a con-
7 tractor any functions performed by Federal employees
8 pursuant to a study conducted under Office of Manage-
9 ment and Budget (OMB) Circular A–76, as of the date
10 of enactment of this Act.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8109. During the current fiscal year, the Sec-
13 retary of Defense may transfer to the appropriation “For-
14 eign Currency Fluctuations, Defense” unobligated
15 amounts of funds appropriated for operation and mainte-
16 nance for fiscal year 2007, 2008, or 2009 and unobligated
17 amounts of funds appropriated for military personnel for
18 any of such fiscal years if such unobligated amounts are
19 not necessary for the liquidation of obligations or for the
20 making of authorized adjustments to such appropriations
21 for obligations incurred during the period of availability
22 of such appropriations: *Provided*, That the amount in the
23 appropriation “Foreign Currency Fluctuations, Defense”
24 may not exceed the amount specified in subsection
25 2779(d) of title 10, United States Code, as a result of

1 the transfer: *Provided further*, That the transfer authority
2 provided by this section is in addition to any other transfer
3 authority contained in this Act.

4 SEC. 8110. The amounts appropriated in title H of
5 this Act are hereby reduced by \$289,570,000 to reflect
6 excess cash balances in Department of Defense Working
7 Capital Funds.

8 SEC. 8111. (a)(1) No National Intelligence Program
9 funds appropriated in this Act may be used for a mission
10 critical or mission essential business management infor-
11 mation technology system that is not registered with the
12 Director of National Intelligence. A system shall be con-
13 sidered to be registered with that officer upon the fur-
14 nishing notice of the system, together with such informa-
15 tion concerning the system as the Director of the Business
16 Transformation Office may prescribe.

17 (2) During the current fiscal year no funds may be
18 obligated or expended for a financial management auto-
19 mated information system, a mixed information system
20 supporting financial and non-financial systems, or a busi-
21 ness system improvement of more than \$1,000,000, within
22 the Intelligence Community until the Director of National
23 Intelligence certifies to the congressional intelligence com-
24 mittees that the system is being developed and managed

1 in accordance with the Business Transformation require-
 2 ments.

3 (b) The Director of the Business Transformation Of-
 4 fice shall provide the congressional intelligence committees
 5 notification of approvals under paragraph (1) no later
 6 than 30 days after certification. Each such notification
 7 shall include a statement confirming that the following
 8 steps have been taken with respect to the system:

9 (1) Business process reengineering.

10 (2) An analysis of alternatives and an economic
 11 analysis that includes a calculation of the return on
 12 investment.

13 (3) Assurance the system is compatible with the
 14 enterprise-wide business architecture.

15 (4) Performance measures.

16 (5) An information assurance strategy con-
 17 sistent with the Chief Information Officer of the In-
 18 telligence Community.

19 (c) This section shall not apply to any programmatic
 20 or analytic systems or programmatic or analytic system
 21 improvements.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8112. (a) In addition to funds made available
 24 elsewhere in this Act, there is hereby appropriated
 25 \$439,615,000 to remain available until transferred: *Pro-*

1 *vided*, That these funds are appropriated to the “Tanker
 2 Replacement Transfer Fund” (referred to as “the Fund”
 3 elsewhere in this section): *Provided further*, That the Sec-
 4 retary of the Air Force may transfer amounts in the Fund
 5 to “Operation and Maintenance, Air Force”, “Aircraft
 6 Procurement, Air Force”, and “Research, Development,
 7 Test and Evaluation, Air Force”, only for the purposes
 8 of proceeding with a tanker acquisition program: *Provided*
 9 *further*, That funds transferred shall be merged with and
 10 be available for the same purposes and for the same time
 11 period as the appropriations or fund to which transferred:
 12 *Provided further*, That this transfer authority is in addi-
 13 tion to any other transfer authority available to the De-
 14 partment of Defense: *Provided further*, That the Secretary
 15 of the Air Force shall, not fewer than 15 days prior to
 16 making transfers using funds provided in this section, no-
 17 tify the congressional defense committees in writing of the
 18 details of any such transfer: *Provided further*, That the
 19 Secretary shall submit a report no later than 30 days after
 20 the end of each fiscal quarter to the congressional defense
 21 committees summarizing the details of the transfer of
 22 funds from this appropriation:

23 (b) The Secretary of Defense is directed to award one
 24 or more contracts for the aerial refueling tanker replace-

1 ment program according to either of the following alter-
2 natives:

3 (1) A contract to a single offeror based on a
4 best value or lowest cost source selection derived
5 from full and open competition, subject to the condi-
6 tion that non-development aircraft produced under
7 such contract must be finally assembled in the
8 United States. Such competition and source selection
9 shall include evaluation of the life-cycle costs of each
10 aircraft over a 40-year period (including costs of fuel
11 consumption, military construction and other factors
12 normally associated with operation and support of
13 tanker aircraft) and shall include an independent
14 40-year life-cycle cost estimate conducted by a feder-
15 ally funded research and development center.

16 (2) Contracts awarded to each of the two
17 offerors that responded to Request for Proposal No.
18 ~~FA8625-07-R-6470~~ (as released on January 29,
19 2007) subject to the condition that all non-devel-
20 opment aircraft produced under any such contracts
21 must be finally assembled in the United States.

22 (c) The Secretary of Defense shall certify in writing
23 to the congressional defense committees by October 1,
24 2009, which of the procurement alternatives in subsection
25 (b) represents the most cost-effective and expeditious

1 tanker replacement strategy that best responds to United
2 States national security requirements. The certification
3 shall be accompanied by a report to the congressional de-
4 fense committees detailing the rationale for such certifi-
5 cation.

6 SEC. 8113. (a) Under regulations prescribed by the
7 Secretary of Defense, the Secretary concerned shall pro-
8 vide any member or former member of the Armed Forces
9 with the benefits specified in subsection (b) if the member
10 or former member would, on any day during the period
11 beginning on January 19, 2007, and ending on the date
12 of the implementation of the Post-Deployment/Mobiliza-
13 tion Respite Absence (PDMRA) program by the Secretary
14 concerned, have qualified for a day of administrative ab-
15 sence under the Post-Deployment/Mobilization Respite
16 Absence program had the program been in effect during
17 such period.

18 (b) BENEFITS.—The benefits authorized under this
19 section are the following:

20 (1) In the case of an individual who is a former
21 member of the Armed Forces at the time of the pro-
22 vision of benefits under this section, payment of an
23 amount not to exceed \$200 for each day the indi-
24 vidual would have qualified for a day of administra-

1 tive absence as described in subsection (a) during
2 the period specified in that subsection.

3 ~~(2) In the case of an individual who is a mem-~~
4 ~~ber of the Armed Forces at the time of the provision~~
5 ~~of benefits under this section, either one day of ad-~~
6 ~~ministrative absence or payment of an amount not~~
7 ~~to exceed \$200, as selected by the Secretary con-~~
8 ~~cerned, for each day the individual would have quali-~~
9 ~~fied for a day of administrative absence as described~~
10 ~~in subsection (a) during the period specified in that~~
11 ~~subsection.~~

12 ~~(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—~~
13 ~~A former member of the Armed Forces is not eligible~~
14 ~~under this section for the benefits specified in subsection~~
15 ~~(b)(1) if the former member was discharged or released~~
16 ~~from the Armed Forces under other than honorable condi-~~
17 ~~tions.~~

18 ~~(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—~~
19 ~~Not more than 40 days of benefits may be provided to~~
20 ~~a member or former member of the Armed Forces under~~
21 ~~this section.~~

22 ~~(e) FORM OF PAYMENT.—The paid benefits author-~~
23 ~~ized under this section may be paid in a lump sum or in-~~
24 ~~stallments, at the election of the Secretary concerned.~~

1 (f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—

2 The benefits provided a member or former member of the
3 Armed Forces under this section are in addition to any
4 other pay, absence, or leave provided by law.

5 (g) DEFINITIONS.—In this section:

6 (1) The term “Post-Deployment/Mobilization
7 Respite Absence program” means the program of a
8 military department to provide days of administra-
9 tive absence not chargeable against available leave to
10 certain deployed or mobilized members of the Armed
11 Forces in order to assist such members in reinte-
12 grating into civilian life after deployment or mobili-
13 zation.

14 (2) The term “Secretary concerned” has the
15 meaning given that term in section 101(5) of title
16 37, United States Code.

17 (h) TERMINATION.—

18 (1) The authority to provide benefits under this
19 section shall expire on the date that is 1 year after
20 the date of the enactment of this Act.

21 (2) Expiration under this subsection of the au-
22 thority to provide benefits under this section shall
23 not affect the utilization of any day of administra-
24 tive absence provided a member of the Armed
25 Forces under subsection (b)(2), or the payment of

1 any payment authorized a member or former mem-
 2 ber of the Armed Forces under subsection (b), be-
 3 fore the expiration of the authority in this section.

4 SEC. 8114. (a) RESETTLEMENT SUPPORT AND
 5 OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFU-
 6 GEES.—Section 1244(g) of the Refugee Crisis in Iraq Act
 7 of 2007 (subtitle C of title XII of division A of Public
 8 Law 110–181; 122 Stat. 398) is amended by striking “for
 9 a period not to exceed eight months” and inserting “to
 10 the same extent, and for the same periods of time, as such
 11 refugees”.

12 (b) RESETTLEMENT SUPPORT AND OTHER PUBLIC
 13 BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section
 14 602(b)(8) of the Afghan Allies Protection Act of 2009
 15 (title VI of division F of Public Law 111–8; 123 Stat.
 16 809) is amended by striking “for a period not to exceed
 17 8 months” and inserting “to the same extent, and for the
 18 same periods of time, as such refugees”.

19 SEC. 8115. (a) With respect to the list of specific pro-
 20 grams, projects and activities contained in the tables enti-
 21 tled “Explanation of Project Level Adjustments” in the
 22 report of the Committee on Appropriations of the House
 23 of Representatives, those which are considered congres-
 24 sional earmarks for purposes of rule XXI of the House

1 of Representatives, when awarded to a for profit entity,
 2 shall be awarded under full and open competition.

3 (b) For profit entities previously awarded a contract
 4 with the Department of Defense which remains in effect
 5 during fiscal year 2010, to provide such programs projects
 6 or activities as described in subsection (a), shall be consid-
 7 ered to have satisfied the conditions of full and open com-
 8 petition, provided that any such contract was awarded
 9 under full and open competition.

10 SEC. 8116. The amounts appropriated in title H of
 11 this Act are hereby reduced from the specified accounts
 12 in the specified amounts:

13 “Operation and Maintenance, Navy”, \$192,000,000.

14 “Operation and Maintenance, Marine Corps”,
 15 \$28,000,000.

16 “Operation and Maintenance, Air Force”,
 17 \$188,000,000.

18 “Operation and Maintenance, Defense-Wide”,
 19 \$142,000,000.

20 SEC. 8117. In carrying out Congressionally Directed
 21 Medical Research programs related to breast cancer re-
 22 search, the Secretary of Defense shall ensure the fol-
 23 lowing:

24 (1) The selection process for choosing an indi-
 25 vidual to serve as a member of an integration panel

1 shall be fair and representative of the interested
2 community so that the integration panel consists of
3 a diverse representation of the breast cancer sur-
4 vivor and advocacy community.

5 (2) An individual serving as a member of an in-
6 tegration panel may not be an employee, serve on
7 the board of, or have a financial relationship with
8 the same organization (including any organization
9 related to such organization through common board
10 membership, financial support, or other similar rela-
11 tionship) as that of another individual serving as a
12 member of such panel.

13 SEC. 8118. None of the funds appropriated or other-
14 wise made available by this Act, or that remain available
15 for obligation for the Department of Defense from the
16 Consolidated Security, Disaster Assistance, and Con-
17 tinuing Appropriations Act, 2009 (Public Law 110-329),
18 the American Recovery and Reinvestment Act of 2009
19 (Public Law 111-5), and the Supplemental Appropria-
20 tions Act, 2009 (Public Law 111-32), may be used to
21 eliminate any personnel positions from the 194th Regional
22 Support Wing of the United States Air National Guard
23 as of the date of enactment of this Act.

24 SEC. 8119. (a) None of the funds made available in
25 this or any prior Act may be used to release an individual

1 who is detained, as of April 30, 2009, at Naval Station,
2 Guantanamo Bay, Cuba, into the continental United
3 States, Alaska, Hawaii, the District of Columbia, or any
4 of the United States territories of Guam, American Samoa
5 (AS), the United States Virgin Islands (USVI), the Com-
6 monwealth of Puerto Rico and the Commonwealth of the
7 Northern Mariana Islands (CNMI).

8 (b) None of the funds made available in this or any
9 prior Act may be used to transfer an individual who is
10 detained, as of April 30, 2009, at the Naval Station,
11 Guantanamo Bay, Cuba, into the continental United
12 States, Alaska, Hawaii, the District of Columbia, or any
13 of the United States territories of Guam, American Samoa
14 (AS), the United States Virgin Islands (USVI), the Com-
15 monwealth of Puerto Rico and the Commonwealth of the
16 Northern Mariana Islands (CNMI), for the purposes of
17 detaining or prosecuting such individual until 2 months
18 after the plan detailed in subsection (c) is received.

19 (c) The President shall submit to the Congress, in
20 writing, a comprehensive plan regarding the proposed dis-
21 position of each individual who is detained, as of April 30,
22 2009, at Naval Station, Guantanamo Bay, Cuba, who is
23 not covered under subsection (d). Such plan shall include,
24 at a minimum, each of the following for each such indi-
25 vidual:

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

4 (2) The costs associated with not transferring
5 the individual in question.

6 (3) The legal rationale and associated court de-
7 mands for transfer.

8 (4) A certification by the President that any
9 risk described in paragraph (1) has been mitigated,
10 together with a full description of the plan for such
11 mitigation.

12 (5) A certification by the President that the
13 President has submitted to the Governor and legisla-
14 ture of the State or territory (or, in the case of the
15 District of Columbia, to the Mayor of the District of
16 Columbia) to which the President intends to transfer
17 the individual a certification in writing at least 30
18 days prior to such transfer (together with supporting
19 documentation and justification) that the individual
20 does not pose a security risk to the United States.

21 (d) 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 April 30, 2009, to the country of such individual's nation-
25 ality or last habitual residence or to the freely associated

1 States of the Federated States of Micronesia (FSM), the
2 Republic of the Marshall Islands (RMI), or the Republic
3 of Palau, or to any other country other than the United
4 States, unless the President submits to the Congress, in
5 writing, at least 30 days prior to such transfer or release,
6 the following information:

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

10 (2) An assessment of any risk to the national
11 security of the United States or its citizens, includ-
12 ing members of the Armed Services or the United
13 States, that is posed by such transfer or release and
14 the actions taken to mitigate such risk.

15 (3) The terms of any agreement with another
16 country for acceptance of such individual, including
17 the amount of any financial assistance related to
18 such agreement.

19 SEC. 8120. None of the funds appropriated or other-
20 wise made available in this Act may be used for advance
21 procurement of the F-22 aircraft: *Provided*, That
22 \$368,800,000 of the funds made available in title III
23 under the heading “Aircraft Procurement, Air Force” may
24 be available for the following programs in the following
25 amounts:

1 (1) \$64,000,000 for production line shut down
2 activities for the F-22.

3 (2) \$138,800,000 for spare engines for F-22
4 and C-17 aircraft.

5 (3) \$79,000,000 for LAIRCM kits for the Air
6 National Guard.

7 (4) \$37,000,000 for advanced targeting pods.

8 (5) \$50,000,000 for advanced radar develop-
9 ment.

10 SEC. 8121. The amount appropriated in title VI
11 under the heading “Defense Health Program” for oper-
12 ation and maintenance is hereby reduced by \$26,000,000
13 and the amount appropriated under such heading for re-
14 search, development, test, and evaluation is hereby in-
15 creased by \$26,000,000.

16 SEC. 8122. None of the funds appropriated or other-
17 wise made available in this Act may be used to award to
18 a contractor, or convert to performance by a contractor,
19 the provision of utilities at the United States Military
20 Academy at West Point.

21 SEC. 8123. The amounts otherwise provided by this
22 Act are revised by reducing the amount made available
23 under title II under the heading “Operation and Mainte-
24 nance, Air Force”, and increasing the amount available

1 under title VI under the heading “Chemical Agents and
2 Munitions Destruction, Defense”, by \$50,000,000.

3 SEC. 8124. None of the funds appropriated or other-
4 wise made available in this Act may be used by the Sec-
5 retary of the Army to convert government-owned ammuni-
6 tion production assets to the private sector.

7 TITLE IX

8 OVERSEAS DEPLOYMENTS AND OTHER

9 ACTIVITIES

10 MILITARY PERSONNEL

11 MILITARY PERSONNEL, ARMY

12 For an additional amount for “Military Personnel,
13 Army”, \$10,492,723,000: *Provided*, That the amount
14 under this heading is designated as being for overseas de-
15 ployments and other activities pursuant to section
16 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
17 current resolution on the budget for fiscal year 2010.

18 MILITARY PERSONNEL, NAVY

19 For an additional amount for “Military Personnel,
20 Navy”, \$1,622,717,000: *Provided*, That the amount under
21 this heading is designated as being for overseas deploy-
22 ments and other activities pursuant to section 423(a)(1)
23 of S. Con. Res. 13 (111th Congress), the concurrent reso-
24 lution on the budget for fiscal year 2010.

1 MILITARY PERSONNEL, MARINE CORPS

2 For an additional amount for “Military Personnel,
3 Marine Corps”, \$997,470,000: *Provided*, That the amount
4 under this heading is designated as being for overseas de-
5 ployments and other activities pursuant to section
6 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
7 current resolution on the budget for fiscal year 2010.

8 MILITARY PERSONNEL, AIR FORCE

9 For an additional amount for “Military Personnel,
10 Air Force”, \$1,855,337,000: *Provided*, That the amount
11 under this heading is designated as being for overseas de-
12 ployments and other activities pursuant to section
13 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
14 current resolution on the budget for fiscal year 2010.

15 RESERVE PERSONNEL, ARMY

16 For an additional amount for “Reserve Personnel,
17 Army”, \$302,637,000: *Provided*, That the amount under
18 this heading is designated as being for overseas deploy-
19 ments and other activities pursuant to section 423(a)(1)
20 of S. Con. Res. 13 (111th Congress), the concurrent reso-
21 lution on the budget for fiscal year 2010.

22 RESERVE PERSONNEL, NAVY

23 For an additional amount for “Reserve Personnel,
24 Navy”, \$39,040,000: *Provided*, That the amount under
25 this heading is designated as being for overseas deploy-

1 ments and other activities pursuant to section 423(a)(1)
 2 of S. Con. Res. 13 (111th Congress), the concurrent reso-
 3 lution on the budget for fiscal year 2010.

4 RESERVE PERSONNEL, MARINE CORPS

5 For an additional amount for “Reserve Personnel,
 6 Marine Corps”, \$31,337,000: *Provided*, That the amount
 7 under this heading is designated as being for overseas de-
 8 ployments and other activities pursuant to section
 9 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
 10 current resolution on the budget for fiscal year 2010.

11 RESERVE PERSONNEL, AIR FORCE

12 For an additional amount for “Reserve Personnel,
 13 Air Force”, \$24,822,000: *Provided*, That the amount
 14 under this heading is designated as being for overseas de-
 15 ployments and other activities pursuant to section
 16 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
 17 current resolution on the budget for fiscal year 2010.

18 NATIONAL GUARD PERSONNEL, ARMY

19 For an additional amount for “National Guard Per-
 20 sonnel, Army”, \$839,966,000: *Provided*, That the amount
 21 under this heading is designated as being for overseas de-
 22 ployments and other activities pursuant to section
 23 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
 24 current resolution on the budget for fiscal year 2010.

1 ~~NATIONAL GUARD PERSONNEL, AIR FORCE~~

2 ~~For an additional amount for “National Guard Per-~~
 3 ~~sonnel, Air Force”, \$18,500,000: *Provided*, That the~~
 4 ~~amount under this heading is designated as being for over-~~
 5 ~~seas deployments and other activities pursuant to section~~
 6 ~~423(a)(1) of S. Con. Res. 13 (111th Congress), the con-~~
 7 ~~current resolution on the budget for fiscal year 2010.~~

8 ~~OPERATION AND MAINTENANCE~~

9 ~~OPERATION AND MAINTENANCE, ARMY~~

10 ~~For an additional amount for “Operation and Main-~~
 11 ~~tenance, Army”, \$41,836,029,000: *Provided*, That the~~
 12 ~~amount under this heading is designated as being for over-~~
 13 ~~seas deployments and other activities pursuant to section~~
 14 ~~423(a)(1) of S. Con. Res. 13 (111th Congress), the con-~~
 15 ~~current resolution on the budget for fiscal year 2010.~~

16 ~~OPERATION AND MAINTENANCE, NAVY~~

17 ~~For an additional amount for “Operation and Main-~~
 18 ~~tenance, Navy”, \$4,975,665,000: *Provided*, That up to~~
 19 ~~\$241,503,000 of the amount under this heading shall be~~
 20 ~~transferred to the Coast Guard “Operating Expenses” ac-~~
 21 ~~count: *Provided further*, That the amount under this head-~~
 22 ~~ing is designated as being for overseas deployments and~~
 23 ~~other activities pursuant to section 423(a)(1) of S. Con.~~
 24 ~~Res. 13 (111th Congress), the concurrent resolution on~~
 25 ~~the budget for fiscal year 2010.~~

1 ~~OPERATION AND MAINTENANCE, MARINE CORPS~~

2 For an additional amount for “Operation and Main-
 3 tenance, Marine Corps”, \$2,961,279,000: *Provided*, That
 4 the amount under this heading is designated as being for
 5 overseas deployments and other activities pursuant to sec-
 6 tion 423(a)(1) of S. Con. Res. 13 (111th Congress); the
 7 concurrent resolution on the budget for fiscal year 2010.

8 ~~OPERATION AND MAINTENANCE, AIR FORCE~~

9 For an additional amount for “Operation and Main-
 10 tenance, Air Force”, \$7,858,895,000: *Provided*, That the
 11 amount under this heading is designated as being for over-
 12 seas deployments and other activities pursuant to section
 13 423(a)(1) of S. Con. Res. 13 (111th Congress); the con-
 14 current resolution on the budget for fiscal year 2010.

15 ~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~

16 For an additional amount for “Operation and Main-
 17 tenance, Defense-Wide”, \$7,397,800,000, of which:

18 (1) Not to exceed \$12,500,000 for the Combat-
 19 ant Commander Initiative Fund, to be used in sup-
 20 port of Operation Iraqi Freedom and Operation En-
 21 during Freedom.

22 (2) Not to exceed \$1,540,000,000, to remain
 23 available until expended, for payments to reimburse
 24 key cooperating nations for logistical, military, and
 25 other support, including access provided to United

1 States military operations in support of Operation
2 Iraqi Freedom and Operation Enduring Freedom,
3 notwithstanding any other provision of law: *Pro-*
4 *vided*, That such reimbursement payments may be
5 made in such amounts as the Secretary of Defense,
6 with the concurrence of the Secretary of State, and
7 in consultation with the Director of the Office of
8 Management and Budget, may determine, in his dis-
9 cretion, based on documentation determined by the
10 Secretary of Defense to adequately account for the
11 support provided, and such determination is final
12 and conclusive upon the accounting officers of the
13 United States, and 15 days following notification to
14 the appropriate congressional committees: *Provided*
15 *further*, That these funds may be used for the pur-
16 pose of providing specialized training and procuring
17 supplies and specialized equipment and providing
18 such supplies and loaning such equipment on a non-
19 reimbursable basis to coalition forces supporting
20 United States military operations in Iraq and Af-
21 ghanistan, and 15 days following notification to the
22 appropriate congressional committees: *Provided fur-*
23 *ther*, That the Secretary of Defense shall provide
24 quarterly reports to the congressional defense com-
25 mittees on the use of funds provided in this para-

1 graph: *Provided further*, That the amount under this
 2 heading is designated as being for overseas deploy-
 3 ments and other activities pursuant to section
 4 423(a)(1) of S. Con. Res. 13 (111th Congress); the
 5 concurrent resolution on the budget for fiscal year
 6 2010.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For an additional amount for “Operation and Main-
 9 tenance, Army Reserve”, \$163,461,000: *Provided*, That
 10 the amount under this heading is designated as being for
 11 overseas deployments and other activities pursuant to sec-
 12 tion 423(a)(1) of S. Con. Res. 13 (111th Congress); the
 13 concurrent resolution on the budget for fiscal year 2010.

14 OPERATION AND MAINTENANCE, NAVY RESERVE

15 For an additional amount for “Operation and Main-
 16 tenance, Navy Reserve”, \$54,447,000: *Provided*, That the
 17 amount under this heading is designated as being for over-
 18 seas deployments and other activities pursuant to section
 19 423(a)(1) of S. Con. Res. 13 (111th Congress); the con-
 20 current resolution on the budget for fiscal year 2010.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 RESERVE

23 For an additional amount for “Operation and Main-
 24 tenance, Marine Corps Reserve”, \$69,333,000: *Provided*,
 25 That the amount under this heading is designated as

1 being for overseas deployments and other activities pursu-
 2 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
 3 gress); the concurrent resolution on the budget for fiscal
 4 year 2010.

5 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

6 For an additional amount for “Operation and Main-
 7 tenance, Air Force Reserve”, \$100,740,000: *Provided,*
 8 That the amount under this heading is designated as
 9 being for overseas deployments and other activities pursu-
 10 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
 11 gress); the concurrent resolution on the budget for fiscal
 12 year 2010.

13 OPERATION AND MAINTENANCE, ARMY NATIONAL
 14 GUARD

15 For an additional amount for “Operation and Main-
 16 tenance, Army National Guard”, \$257,317,000: *Provided,*
 17 That the amount under this heading is designated as
 18 being for overseas deployments and other activities pursu-
 19 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
 20 gress); the concurrent resolution on the budget for fiscal
 21 year 2010.

22 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

23 For an additional amount for “Operation and Main-
 24 tenance, Air National Guard”, \$231,889,000: *Provided,*
 25 That the amount under this heading is designated as

1 being for overseas deployments and other activities pursu-
 2 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
 3 gress); the concurrent resolution on the budget for fiscal
 4 year 2010.

5 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
 6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for expenses directly relat-
 8 ing to overseas contingency operations by United States
 9 military forces, \$14,636,901,000, to remain available for
 10 obligation until expended: *Provided*, That of the funds
 11 made available under this heading, the Secretary of De-
 12 fense may transfer these funds only to military personnel
 13 accounts, operation and maintenance accounts, the de-
 14 fense health program appropriation, and working capital
 15 funds accounts: *Provided further*, That the funds trans-
 16 ferred shall be merged with and shall be available for the
 17 same purposes and for the same time period, as the appro-
 18 priation to which transferred: *Provided further*, That upon
 19 a determination that all or part of the funds transferred
 20 from this appropriation are not necessary for the purposes
 21 provided herein, such amounts may be transferred back
 22 to this appropriation: *Provided further*, That the Secretary
 23 shall notify the congressional defense committees 15 days
 24 prior to such transfer: *Provided further*, That the transfer
 25 authority provided under this heading is in addition to any

1 other transfer authority available to the Department of
2 Defense: *Provided further*, That the amount under this
3 heading is designated as being for overseas deployments
4 and other activities pursuant to section 423(a)(1) of S.
5 Con. Res. 13 (111th Congress), the concurrent resolution
6 on the budget for fiscal year 2010.

7 AFGHANISTAN SECURITY FORCES FUND

8 For the “Afghanistan Security Forces Fund”,
9 \$7,462,769,000, to remain available until September 30,
10 2011: *Provided*, That such funds shall be available to the
11 Secretary of Defense, notwithstanding any other provision
12 of law, for the purpose of allowing the Commander, Com-
13 bined Security Transition Command-Afghanistan, or the
14 Secretary’s designee, to provide assistance, with the con-
15 currence of the Secretary of State, to the security forces
16 of Afghanistan, including the provision of equipment, sup-
17 plies, services, training, facility and infrastructure repair,
18 renovation, and construction, and funding: *Provided fur-*
19 *ther*, That the authority to provide assistance under this
20 heading is in addition to any other authority to provide
21 assistance to foreign nations: *Provided further*, That con-
22 tributions of funds for the purposes provided herein from
23 any person, foreign government, or international organiza-
24 tion may be credited to this Fund and used for such pur-
25 poses: *Provided further*, That the Secretary of Defense

1 shall notify the congressional defense committees in writ-
 2 ing upon the receipt and upon the obligation of any con-
 3 tribution, delineating the sources and amounts of the
 4 funds received and the specific use of such contributions:
 5 *Provided further*, That the Secretary of Defense shall, not
 6 fewer than 15 days prior to obligating from this appro-
 7 priation account, notify the congressional defense commit-
 8 tees in writing of the details of any such obligation: *Pro-*
 9 *vided further*, That the amount under this heading is des-
 10 ignated as being for overseas deployments and other ac-
 11 tivities pursuant to section 423(a)(1) of S. Con. Res. 13
 12 (111th Congress), the concurrent resolution on the budget
 13 for fiscal year 2010.

14 PROCUREMENT

15 AIRCRAFT PROCUREMENT, ARMY

16 For an additional amount for “Aircraft Procurement,
 17 Army”, \$1,636,229,000, to remain available until Sep-
 18 tember 30, 2012: *Provided*, That the amount under this
 19 heading is designated as being for overseas deployments
 20 and other activities pursuant to section 423(a)(1) of S.
 21 Con. Res. 13 (111th Congress), the concurrent resolution
 22 on the budget for fiscal year 2010.

23 MISSILE PROCUREMENT, ARMY

24 For an additional amount for “Missile Procurement,
 25 Army”, \$469,470,000, to remain available until Sep-

8 For an additional amount for “Procurement of Weap-
9 ons and Tracked Combat Vehicles, Army”,
10 \$1,219,466,000, to remain available until September 30,
11 2012: *Provided*, That the amount under this heading is
12 designated as being for overseas deployments and other
13 activities pursuant to section 423(a)(1) of S. Con. Res.
14 13 (111th Congress), the concurrent resolution on the
15 budget for fiscal year 2010.

For an additional amount for “Procurement of Am-
munition, Army”, \$370,635,000, to remain available until
September 30, 2012: *Provided*, That the amount under
this heading is designated as being for overseas deploy-
ments and other activities pursuant to section 423(a)(1)
of S. Con. Res. 13 (111th Congress), the concurrent reso-
lution on the budget for fiscal year 2010.

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 ~~Army~~”, \$5,635,306,000, to remain available until Sep-
4 ~~tember 30, 2012: *Provided*~~, That the amount under this
5 heading is designated as being for overseas deployments
6 and other activities pursuant to section 423(a)(1) of S.
7 ~~Con. Res. 13 (111th Congress)~~, the concurrent resolution
8 on the budget for fiscal year 2010.

9 AIRCRAFT PROCUREMENT, NAVY

10 For an additional amount for “Aircraft Procurement,
11 ~~Navy~~”, \$889,097,000, to remain available until September
12 ~~30, 2012: *Provided*~~, That the amount under this heading
13 is designated as being for overseas deployments and other
14 activities pursuant to section 423(a)(1) of S. ~~Con. Res.~~
15 ~~13 (111th Congress)~~, the concurrent resolution on the
16 budget for fiscal year 2010.

17 WEAPONS PROCUREMENT, NAVY

18 For an additional amount for “Weapons Procure-
19 ~~ment, Navy~~”, \$73,700,000, to remain available until Sep-
20 ~~tember 30, 2012: *Provided*~~, That the amount under this
21 heading is designated as being for overseas deployments
22 and other activities pursuant to section 423(a)(1) of S.
23 ~~Con. Res. 13 (111th Congress)~~, the concurrent resolution
24 on the budget for fiscal year 2010.

10 OTHER PROCUREMENT, NAVY

18 ~~PROCUREMENT, MARINE CORPS~~

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1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$825,718,000, to remain available until Sep-
4 tember 30, 2012: *Provided*, That the amount under this
5 heading is designated as being for overseas deployments
6 and other activities pursuant to section 423(a)(1) of S.
7 Con. Res. 13 (111th Congress), the concurrent resolution
8 on the budget for fiscal year 2010.

9 MISSILE PROCUREMENT, AIR FORCE

10 For an additional amount for “Missile Procurement,
11 Air Force”, \$36,625,000, to remain available until Sep-
12 tember 30, 2012: *Provided*, That the amount under this
13 heading is designated as being for overseas deployments
14 and other activities pursuant to section 423(a)(1) of S.
15 Con. Res. 13 (111th Congress), the concurrent resolution
16 on the budget for fiscal year 2010.

17 PROCUREMENT OF AMMUNITION, AIR FORCE

18 For an additional amount for “Procurement of Am-
19 munition, Air Force”, \$256,819,000, to remain available
20 until September 30, 2012: *Provided*, That the amount
21 under this heading is designated as being for overseas de-
22 ployments and other activities pursuant to section
23 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
24 current resolution on the budget for fiscal year 2010.

1 OTHER PROCUREMENT, AIR FORCE

2 For an additional amount for “Other Procurement,
3 Air Force”, \$2,275,238,000, to remain available until
4 September 30, 2012: *Provided*, That the amount under
5 this heading is designated as being for overseas deploy-
6 ments and other activities pursuant to section 423(a)(1)
7 of S. Con. Res. 13 (111th Congress), the concurrent reso-
8 lution on the budget for fiscal year 2010.

9 PROCUREMENT, DEFENSE-WIDE

10 For an additional amount for “Procurement, De-
11 fense-Wide”, \$489,980,000, to remain available until Sep-
12 tember 30, 2012: *Provided*, That the amount under this
13 heading is designated as being for overseas deployments
14 and other activities pursuant to section 423(a)(1) of S.
15 Con. Res. 13 (111th Congress), the concurrent resolution
16 on the budget for fiscal year 2010.

17 NATIONAL GUARD AND RESERVE EQUIPMENT

18 For procurement of items of equipment as designated
19 by the Chief of the National Guard Bureau and the Chiefs
20 of the reserve components of the Armed Forces,
21 \$500,000,000, to remain available for obligation until Sep-
22 tember 30, 2012, of which \$300,000,000 shall be available
23 only for the Army National Guard: *Provided*, That the
24 Chiefs of National Guard and Reserve components shall,
25 not later than 30 days after the enactment of this Act,

1 individually submit to the congressional defense commit-
 2 tees the modernization priority assessment for their re-
 3 spective National Guard or Reserve component: *Provided*
 4 *further*, That the amount under this heading is designated
 5 as being for overseas deployments and other activities pur-
 6 suant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
 7 gress), the concurrent resolution on the budget for fiscal
 8 year 2010.

9 RAPID ACQUISITION FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 There is hereby established in the Treasury of the
 12 United States the Rapid Acquisition Fund. For the Rapid
 13 Acquisition Fund, \$40,000,000, to remain available until
 14 September 30, 2012: *Provided*, That such funds shall be
 15 available to the Secretary of Defense, with the advice of
 16 the Chairman of the Joint Chiefs of Staff, for the purpose
 17 of providing for Joint Urgent Operational Needs: *Provided*
 18 *further*, That the Secretary of Defense may transfer such
 19 funds to appropriations for operation and maintenance;
 20 procurement; and research, development, test and evalua-
 21 tion: *Provided further*, That funds so transferred shall be
 22 merged with and shall be available for the same purposes
 23 and the same time period as that account to which trans-
 24 ferred: *Provided further*, That upon a determination that
 25 all or part of the funds transferred from this appropriation

1 are not necessary for the purposes provided herein, such
 2 funds may be transferred back to this appropriation: *Pro-*
 3 *vided further*, That the transfer authority provided herein
 4 is in addition to any other transfer authority available to
 5 the Department of Defense: *Provided further*, That the
 6 amount under this heading is designated as being for over-
 7 seas deployments and other activities pursuant to section
 8 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
 9 current resolution on the budget for fiscal year 2010.

10 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
 11 (INCLUDING TRANSFER OF FUNDS)

12 For the Mine Resistant Ambush Protected Vehicle
 13 Fund, \$3,606,000,000, to remain available until Sep-
 14 tember 30, 2011: *Provided*, That such funds shall be avail-
 15 able to the Secretary of Defense, notwithstanding any
 16 other provision of law, to procure, sustain, transport, and
 17 field Mine Resistant Ambush Protected vehicles: *Provided*
 18 *further*, That the Secretary shall transfer such funds only
 19 to appropriations for operation and maintenance; procure-
 20 ment; research, development, test and evaluation; and de-
 21 fense working capital funds to accomplish the purpose pro-
 22 vided herein: *Provided further*, That this transfer author-
 23 ity is in addition to any other transfer authority available
 24 to the Department of Defense: *Provided further*, That
 25 upon a determination that all or part of the funds trans-

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 ARMY

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10 ~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION,~~
11 ~~AIR FORCE~~

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 DEFENSE-WIDE

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1 designated as being for overseas deployments and other
 2 activities pursuant to section 423(a)(1) of S. Con. Res.
 3 ~~13~~ (111th Congress), the concurrent resolution on the
 4 budget for fiscal year 2010.

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For an additional amount for “Defense Working
 8 Capital Funds”, \$412,215,000: *Provided*, That the
 9 amount under this heading is designated as being for over-
 10 seas deployments and other activities pursuant to section
 11 423(a)(1) of S. Con. Res. ~~13~~ (111th Congress), the con-
 12 current resolution on the budget for fiscal year 2010.

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For an additional amount for “Defense Health Pro-
 16 gram”, \$1,155,235,000, which shall be for operation and
 17 maintenance: *Provided*, That the amount under this head-
 18 ing is designated as being for overseas deployments and
 19 other activities pursuant to section 423(a)(1) of S. Con.
 20 Res. ~~13~~ (111th Congress), the concurrent resolution on
 21 the budget for fiscal year 2010.

22 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Drug Interdiction and
 25 Counter-Drug Activities”, \$317,603,000, to remain avail-

1 able until September 30, 2011: *Provided*, That the amount
 2 under this heading is designated as being for overseas de-
 3 ployments and other activities pursuant to section
 4 423(a)(1) of S. Con. Res. 13 (111th Congress); the con-
 5 current resolution on the budget for fiscal year 2010.

6 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
 7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Joint Improvised Ex-
 9 plosive Device Defeat Fund”, \$1,490,000,000, of which
 10 \$730,000,000 shall be for Attack the Network, to remain
 11 available until September 30, 2011; \$600,000,000 shall be
 12 for Defeat the Device, to remain available until September
 13 30, 2012; and \$160,000,000 shall be for Train the Force,
 14 to remain available until September 30, 2010: *Provided*,
 15 That the amount under this heading is designated as
 16 being for overseas deployments and other activities pursu-
 17 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
 18 gress); the concurrent resolution on the budget for fiscal
 19 year 2010.

20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-
 22 spector General”, \$8,876,000: *Provided*, That the amount
 23 under this heading is designated as being for overseas de-
 24 ployments and other activities pursuant to section

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 9001. Notwithstanding any other provision of
5 law, funds made available in this title are in addition to
6 amounts appropriated or otherwise made available for the
7 Department of Defense for fiscal year 2010.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 9002. Upon the determination of the Secretary
10 of Defense that such action is necessary in the national
11 interest, the Secretary may, with the approval of the Of-
12 fice of Management and Budget, transfer up to
13 \$3,000,000,000 between the appropriations or funds made
14 available to the Department of Defense in this title, with
15 the exception of the “Overseas Contingency Operations
16 Transfer Fund”: *Provided*, That the Secretary shall notify
17 the Congress promptly of each transfer made pursuant to
18 the authority in this section: *Provided further*, That the
19 authority provided in this section is in addition to any
20 other transfer authority available to the Department of
21 Defense and is subject to the same terms and conditions
22 as the authority provided in the Department of Defense
23 Appropriations Act, 2010: *Provided further*, That the
24 amount in this section is designated as being for overseas
25 deployments and other activities pursuant to section

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

3 SEC. 9003. Supervision and administration costs as-
4 sociated with a construction project funded with appro-
5 priations available for operation and maintenance or the
6 “Afghanistan Security Forces Fund” provided in this Act
7 and executed in direct support of overseas contingency op-
8 erations in Afghanistan or Iraq, may be obligated at the
9 time a construction contract is awarded: *Provided*, That
10 for the purpose of this section, supervision and adminis-
11 tration costs include all in-house Government costs.

12 SEC. 9004. From funds made available in this title,
13 the Secretary of Defense may purchase motor vehicles for
14 use by military and civilian employees of the Department
15 of Defense in Iraq and Afghanistan, up to a limit of
16 \$75,000 per vehicle, notwithstanding other limitations ap-
17 plicable to passenger carrying motor vehicles.

18 SEC. 9005. Not to exceed \$1,300,000,000 of the
19 amount appropriated in this title under the heading “Op-
20 eration and Maintenance, Army” may be used, notwith-
21 standing any other provision of law, to fund the Com-
22 mander’s Emergency Response Program, for the purpose
23 of enabling military commanders in Iraq and Afghanistan
24 to respond to urgent humanitarian relief and reconstruc-
25 tion requirements within their areas of responsibility: *Pro-*

1 *vided*, That not later than 15 days after the end of each
2 fiscal year quarter, the Secretary of Defense shall submit
3 to the congressional defense committees a report regard-
4 ing the source of funds and the allocation and use of funds
5 during that quarter that were made available pursuant to
6 the authority provided in this section or under any other
7 provision of law for the purposes described herein: *Pro-*
8 *vided further*, That, of the funds provided, \$500,000,000
9 shall not be available until 5 days after the Secretary of
10 Defense has completed a thorough review of the Com-
11 mander's Emergency Response Program and provided a
12 report on his findings to the congressional defense com-
13 mittees.

14 SEC. 9006. Funds available to the Department of De-
15 fense for operation and maintenance may be used, not-
16 withstanding any other provision of law, to provide sup-
17 plies, services, transportation, including airlift and sealift,
18 and other logistical support to coalition forces supporting
19 military and stability operations in Iraq and Afghanistan:
20 *Provided*, That the Secretary of Defense shall provide
21 quarterly reports to the congressional defense committees
22 regarding support provided under this section.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 9007. During fiscal year 2010 and from funds
25 in the "Defense Cooperation Account", as established by

1 10 U.S.C. 2608, the Secretary of Defense may transfer
2 not to exceed \$6,500,000 to such appropriations or funds
3 of the Department of Defense as the Secretary shall deter-
4 mine for use consistent with the purposes for which such
5 funds were contributed and accepted: *Provided*, That such
6 amounts shall be available for the same time period as
7 the appropriation to which transferred: *Provided further*,
8 That the Secretary shall report to the Congress all trans-
9 fers made pursuant to this authority: *Provided further*,
10 That the amount in this section is designated as being
11 for overseas deployments and other activities pursuant to
12 section 423(a)(1) of S. Con. Res. 13 (111th Congress);
13 the concurrent resolution on the budget for fiscal year
14 2010.

15 SEC. 9008. None of the funds appropriated or other-
16 wise made available by this or any other Act shall be obli-
17 gated or expended by the United States Government for
18 a purpose as follows:

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

22 (2) To exercise United States control over any
23 oil resource of Iraq.

24 (3) To establish any military installation or
25 base for the purpose of providing for the permanent

1 stationing of United States Armed Forces in Af-
2 ghanistan.

3 SEC. 9009. None of the funds made available in this
4 Act may be used in contravention of the following laws
5 enacted or regulations promulgated to implement the
6 United Nations Convention Against Torture and Other
7 Cruel, Inhuman or Degrading Treatment or Punishment
8 (done at New York on December 10, 1984):

9 (1) Section 2340A of title 18, United States
10 Code.

11 (2) Section 2242 of the Foreign Affairs Reform
12 and Restructuring Act of 1998 (division G of Public
13 Law 105-277, 112 Stat. 2681-822, 8 U.S.C. 1231
14 note) and regulations prescribed thereto, including
15 regulations under part 208 of title 8, Code of Fed-
16 eral Regulations, and part 95 of title 22, Code of
17 Federal Regulations.

18 (3) Sections 1002 and 1003 of the Department
19 of Defense, Emergency Supplemental Appropriations
20 to Address Hurricanes in the Gulf of Mexico, and
21 Pandemic Influenza Act, 2006 (Public Law 109-
22 148).

23 SEC. 9010. (a) REPORT ON IRAQ TROOP DRAWDOWN
24 STATUS, GOALS, AND TIMETABLE.—In recognition and
25 support of the policy of President Barack Obama to with-

1 draw all United States combat brigades from Iraq by Au-
2 gust 31, 2010, and all United States military forces from
3 Iraq on December 31, 2011, Congress directs the Sec-
4 retary of Defense (in consultation with other members of
5 the National Security Council) to prepare a report that
6 identifies troop drawdown status and goals and includes—

7 (1) a detailed, month-by-month description of
8 the transition of United States military forces and
9 equipment out of Iraq; and

10 (2) a detailed, month-by-month description of
11 the transition of United States contractors out of
12 Iraq.

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

15 (1) How the Government of Iraq is assuming
16 the responsibility for reconciliation initiatives as the
17 mission of the United States Armed Forces transi-
18 tions.

19 (2) How the drawdown of military forces com-
20 plies with the President's planned withdrawal of
21 combat brigades by August 31, 2010, and all United
22 States forces by December 31, 2011.

23 (3) The roles and responsibilities of remaining
24 contractors in Iraq as the United States mission
25 evolves, including the anticipated number of United

1 States contractors to remain in Iraq after August
 2 31, 2010, and December 31, 2011.

3 ~~(c) SUBMISSION.—~~

4 ~~(1) Not later than 90 days after the date of en-~~
 5 ~~actment of this Act, and every 90 days thereafter~~
 6 ~~through September 30, 2010, the Secretary of De-~~
 7 ~~fense shall submit the report required by subsection~~
 8 ~~(a) and a classified annex to the report, as nec-~~
 9 ~~essary.~~

10 ~~(2) The Secretary may submit the report re-~~
 11 ~~quired by subsection (a) separately as provided in~~
 12 ~~paragraph (1) or include the information required by~~
 13 ~~this report when submitting reports required of the~~
 14 ~~Secretary under section 9204 of the Supplemental~~
 15 ~~Appropriations Act, 2008 (Public Law 110–252;~~
 16 ~~122 Stat. 2410).~~

17 TITLE X

18 ADDITIONAL GENERAL PROVISIONS

19 ~~SEC. 1001. Not later than 60 days after the date of~~
 20 ~~the enactment of this Act, the Secretary of Defense shall~~
 21 ~~submit to Congress a report on the use of hyperbaric oxy-~~
 22 ~~gen therapy (in this section referred to as “HBOT”)~~
 23 ~~under the Secretary of Defense. Such report shall include~~
 24 ~~the following:~~

(2) The types of conditions being treated with HBOT and the respective success rates for each condition.

(3) The current inventory of all hyperbaric chambers being used by the Secretary of Defense (including the locations, the purposes, and the rate of use of such chambers).

11 (4) Any plans for expanding the use of HBOT
12 for treatment.

13 This Act may be cited as the “Department of Defense
14 Appropriations Act, 2010”.

15 That the following sums are appropriated, out of any
16 money in the Treasury not otherwise appropriated, for the
17 fiscal year ending September 30, 2010, for military func-
18 tions administered by the Department of Defense and for
19 other purposes, namely:

21 *MILITARY PERSONNEL*

23 *For pay, allowances, individual clothing, subsistence,*
24 *interest on deposits, gratuities, permanent change of station*
25 *travel (including all expenses thereof for organizational*

1 movements), and expenses of temporary duty travel between
 2 permanent duty stations, for members of the Army on active
 3 duty, (except members of reserve components provided for
 4 elsewhere), cadets, and aviation cadets; for members of the
 5 Reserve Officers' Training Corps; and for payments pursu-
 6 ant to section 156 of Public Law 97-377, as amended (42
 7 U.S.C. 402 note), and to the Department of Defense Mili-
 8 tary Retirement Fund, \$41,267,448,000.

9 *MILITARY PERSONNEL, NAVY*

10 For pay, allowances, individual clothing, subsistence,
 11 interest on deposits, gratuities, permanent change of station
 12 travel (including all expenses thereof for organizational
 13 movements), and expenses of temporary duty travel between
 14 permanent duty stations, for members of the Navy on active
 15 duty (except members of the Reserve provided for elsewhere),
 16 midshipmen, and aviation cadets; for members of the Re-
 17 serve Officers' Training Corps; and for payments pursuant
 18 to section 156 of Public Law 97-377, as amended (42
 19 U.S.C. 402 note), and to the Department of Defense Mili-
 20 tary Retirement Fund, \$25,440,472,000.

21 *MILITARY PERSONNEL, MARINE CORPS*

22 For pay, allowances, individual clothing, subsistence,
 23 interest on deposits, gratuities, permanent change of station
 24 travel (including all expenses thereof for organizational
 25 movements), and expenses of temporary duty travel between

1 *permanent duty stations, for members of the Marine Corps*
 2 *on active duty (except members of the Reserve provided for*
 3 *elsewhere); and for payments pursuant to section 156 of*
 4 *Public Law 97–377, as amended (42 U.S.C. 402 note), and*
 5 *to the Department of Defense Military Retirement Fund,*
 6 *\$12,883,790,000.*

7 *MILITARY PERSONNEL, AIR FORCE*

8 *For pay, allowances, individual clothing, subsistence,*
 9 *interest on deposits, gratuities, permanent change of station*
 10 *travel (including all expenses thereof for organizational*
 11 *movements), and expenses of temporary duty travel between*
 12 *permanent duty stations, for members of the Air Force on*
 13 *active duty (except members of reserve components provided*
 14 *for elsewhere), cadets, and aviation cadets; for members of*
 15 *the Reserve Officers' Training Corps; and for payments*
 16 *pursuant to section 156 of Public Law 97–377, as amended*
 17 *(42 U.S.C. 402 note), and to the Department of Defense*
 18 *Military Retirement Fund, \$26,378,761,000.*

19 *RESERVE PERSONNEL, ARMY*

20 *For pay, allowances, clothing, subsistence, gratuities,*
 21 *travel, and related expenses for personnel of the Army Re-*
 22 *serve on active duty under sections 10211, 10302, and 3038*
 23 *of title 10, United States Code, or while serving on active*
 24 *duty under section 12301(d) of title 10, United States Code,*
 25 *in connection with performing duty specified in section*

1 12310(a) of title 10, United States Code, or while under-
2 going reserve training, or while performing drills or equiva-
3 lent duty or other duty, and expenses authorized by section
4 16131 of title 10, United States Code; and for payments
5 to the Department of Defense Military Retirement Fund,
6 \$4,286,656,000.

7 *RESERVE PERSONNEL, NAVY*

8 *For pay, allowances, clothing, subsistence, gratuities,*
9 *travel, and related expenses for personnel of the Navy Re-*
10 *serve on active duty under section 10211 of title 10, United*
11 *States Code, or while serving on active duty under section*
12 *12301(d) of title 10, United States Code, in connection with*
13 *performing duty specified in section 12310(a) of title 10,*
14 *United States Code, or while undergoing reserve training,*
15 *or while performing drills or equivalent duty, and expenses*
16 *authorized by section 16131 of title 10, United States Code;*
17 *and for payments to the Department of Defense Military*
18 *Retirement Fund, \$1,905,166,000.*

19 *RESERVE PERSONNEL, MARINE CORPS*

20 *For pay, allowances, clothing, subsistence, gratuities,*
21 *travel, and related expenses for personnel of the Marine*
22 *Corps Reserve on active duty under section 10211 of title*
23 *10, United States Code, or while serving on active duty*
24 *under section 12301(d) of title 10, United States Code, in*
25 *connection with performing duty specified in section*

1 12310(a) of title 10, United States Code, or while under-
 2 going reserve training, or while performing drills or equiva-
 3 lent duty, and for members of the Marine Corps platoon
 4 leaders class, and expenses authorized by section 16131 of
 5 title 10, United States Code; and for payments to the De-
 6 partment of Defense Military Retirement Fund,
 7 \$611,500,000.

8 *RESERVE PERSONNEL, AIR FORCE*

9 *For pay, allowances, clothing, subsistence, gratuities,*
 10 *travel, and related expenses for personnel of the Air Force*
 11 *Reserve on active duty under sections 10211, 10305, and*
 12 *8038 of title 10, United States Code, or while serving on*
 13 *active duty under section 12301(d) of title 10, United States*
 14 *Code, in connection with performing duty specified in sec-*
 15 *tion 12310(a) of title 10, United States Code, or while un-*
 16 *dergoing reserve training, or while performing drills or*
 17 *equivalent duty or other duty, and expenses authorized by*
 18 *section 16131 of title 10, United States Code; and for pay-*
 19 *ments to the Department of Defense Military Retirement*
 20 *Fund, \$1,584,712,000.*

21 *NATIONAL GUARD PERSONNEL, ARMY*

22 *For pay, allowances, clothing, subsistence, gratuities,*
 23 *travel, and related expenses for personnel of the Army Na-*
 24 *tional Guard while on duty under section 10211, 10302,*
 25 *or 12402 of title 10 or section 708 of title 32, United States*

1 *Code, or while serving on duty under section 12301(d) of*
 2 *title 10 or section 502(f) of title 32, United States Code,*
 3 *in connection with performing duty specified in section*
 4 *12310(a) of title 10, United States Code, or while under-*
 5 *going training, or while performing drills or equivalent*
 6 *duty or other duty, and expenses authorized by section*
 7 *16131 of title 10, United States Code; and for payments*
 8 *to the Department of Defense Military Retirement Fund,*
 9 *\$7,535,088,000.*

10 *NATIONAL GUARD PERSONNEL, AIR FORCE*

11 *For pay, allowances, clothing, subsistence, gratuities,*
 12 *travel, and related expenses for personnel of the Air Na-*
 13 *tional Guard on duty under section 10211, 10305, or 12402*
 14 *of title 10 or section 708 of title 32, United States Code,*
 15 *or while serving on duty under section 12301(d) of title 10*
 16 *or section 502(f) of title 32, United States Code, in connec-*
 17 *tion with performing duty specified in section 12310(a) of*
 18 *title 10, United States Code, or while undergoing training,*
 19 *or while performing drills or equivalent duty or other duty,*
 20 *and expenses authorized by section 16131 of title 10, United*
 21 *States Code; and for payments to the Department of Defense*
 22 *Military Retirement Fund, \$2,923,599,000.*

1 *TITLE II*2 *OPERATION AND MAINTENANCE*3 *OPERATION AND MAINTENANCE, ARMY*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance of the Army, as authorized*
6 *by law; and not to exceed \$12,478,000 can be used for emer-*
7 *gencies and extraordinary expenses, to be expended on the*
8 *approval or authority of the Secretary of the Army, and*
9 *payments may be made on his certificate of necessity for*
10 *confidential military purposes, \$30,667,886,000.*

11 *OPERATION AND MAINTENANCE, NAVY*

12 *For expenses, not otherwise provided for, necessary for*
13 *the operation and maintenance of the Navy and the Marine*
14 *Corps, as authorized by law; and not to exceed \$14,657,000*
15 *can be used for emergencies and extraordinary expenses, to*
16 *be expended on the approval or authority of the Secretary*
17 *of the Navy, and payments may be made on his certificate*
18 *of necessity for confidential military purposes,*
19 *\$34,773,497,000.*

20 *OPERATION AND MAINTENANCE, MARINE CORPS*

21 *For expenses, not otherwise provided for, necessary for*
22 *the operation and maintenance of the Marine Corps, as au-*
23 *thorized by law, \$5,435,923,000.*

1 *OPERATION AND MAINTENANCE, AIR FORCE*

2 *For expenses, not otherwise provided for, necessary for*
3 *the operation and maintenance of the Air Force, as author-*
4 *ized by law; and not to exceed \$7,699,000 can be used for*
5 *emergencies and extraordinary expenses, to be expended on*
6 *the approval or authority of the Secretary of the Air Force,*
7 *and payments may be made on his certificate of necessity*
8 *for confidential military purposes, \$33,739,447,000.*

9 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For expenses, not otherwise provided for, necessary for*
12 *the operation and maintenance of activities and agencies*
13 *of the Department of Defense (other than the military de-*
14 *partments), as authorized by law, \$28,205,050,000: Pro-*
15 *vided, That not more than \$50,000,000 may be used for*
16 *the Combatant Commander Initiative Fund authorized*
17 *under section 166a of title 10, United States Code: Provided*
18 *further, That not to exceed \$36,000,000 can be used for*
19 *emergencies and extraordinary expenses, to be expended on*
20 *the approval or authority of the Secretary of Defense, and*
21 *payments may be made on his certificate of necessity for*
22 *confidential military purposes: Provided further, That of*
23 *the funds provided under this heading, not less than*
24 *\$29,732,000 shall be made available for the Procurement*
25 *Technical Assistance Cooperative Agreement Program, of*

1 *which not less than \$3,600,000 shall be available for centers*
2 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*
3 *none of the funds appropriated or otherwise made available*
4 *by this Act may be used to plan or implement the consolida-*
5 *tion of a budget or appropriations liaison office of the Office*
6 *of the Secretary of Defense, the office of the Secretary of*
7 *a military department, or the service headquarters of one*
8 *of the Armed Forces into a legislative affairs or legislative*
9 *liaison office: Provided further, That \$6,667,000, to remain*
10 *available until expended, is available only for expenses re-*
11 *lating to certain classified activities, and may be trans-*
12 *ferred as necessary by the Secretary to operation and main-*
13 *tenance appropriations or research, development, test and*
14 *evaluation appropriations, to be merged with and to be*
15 *available for the same time period as the appropriations*
16 *to which transferred: Provided further, That any ceiling on*
17 *the investment item unit cost of items that may be pur-*
18 *chased with operation and maintenance funds shall not*
19 *apply to the funds described in the preceding proviso: Pro-*
20 *vided further, That the transfer authority provided under*
21 *this heading is in addition to any other transfer authority*
22 *provided elsewhere in this Act.*

23 *OPERATION AND MAINTENANCE, ARMY RESERVE*

24 *For expenses, not otherwise provided for, necessary for*
25 *the operation and maintenance, including training, organi-*

1 zation, and administration, of the Army Reserve; repair of
 2 facilities and equipment; hire of passenger motor vehicles;
 3 travel and transportation; care of the dead; recruiting; pro-
 4 curement of services, supplies, and equipment; and commu-
 5 nications, \$2,582,624,000.

6 *OPERATION AND MAINTENANCE, NAVY RESERVE*

7 *For expenses, not otherwise provided for, necessary for*
 8 *the operation and maintenance, including training, organi-*
 9 *zation, and administration, of the Navy Reserve; repair of*
 10 *facilities and equipment; hire of passenger motor vehicles;*
 11 *travel and transportation; care of the dead; recruiting; pro-*
 12 *curement of services, supplies, and equipment; and commu-*
 13 *nications, \$1,272,501,000.*

14 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

15 *For expenses, not otherwise provided for, necessary for*
 16 *the operation and maintenance, including training, organi-*
 17 *zation, and administration, of the Marine Corps Reserve;*
 18 *repair of facilities and equipment; hire of passenger motor*
 19 *vehicles; travel and transportation; care of the dead; recruit-*
 20 *ing; procurement of services, supplies, and equipment; and*
 21 *communications, \$219,425,000.*

22 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

23 *For expenses, not otherwise provided for, necessary for*
 24 *the operation and maintenance, including training, organi-*
 25 *zation, and administration, of the Air Force Reserve; repair*

1 *of facilities and equipment; hire of passenger motor vehicles;*
2 *travel and transportation; care of the dead; recruiting; pro-*
3 *curement of services, supplies, and equipment; and commu-*
4 *nications, \$3,085,700,000.*

5 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

6 *For expenses of training, organizing, and admin-*
7 *istering the Army National Guard, including medical and*
8 *hospital treatment and related expenses in non-Federal hos-*
9 *pitals; maintenance, operation, and repairs to structures*
10 *and facilities; hire of passenger motor vehicles; personnel*
11 *services in the National Guard Bureau; travel expenses*
12 *(other than mileage), as authorized by law for Army per-*
13 *sonnel on active duty, for Army National Guard division,*
14 *regimental, and battalion commanders while inspecting*
15 *units in compliance with National Guard Bureau regula-*
16 *tions when specifically authorized by the Chief, National*
17 *Guard Bureau; supplying and equipping the Army Na-*
18 *tional Guard as authorized by law; and expenses of repair,*
19 *modification, maintenance, and issue of supplies and*
20 *equipment (including aircraft), \$5,989,034,000.*

21 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

22 *For expenses of training, organizing, and admin-*
23 *istering the Air National Guard, including medical and*
24 *hospital treatment and related expenses in non-Federal hos-*
25 *pitals; maintenance, operation, and repairs to structures*

1 *and facilities; transportation of things, hire of passenger*
 2 *motor vehicles; supplying and equipping the Air National*
 3 *Guard, as authorized by law; expenses for repair, modifica-*
 4 *tion, maintenance, and issue of supplies and equipment,*
 5 *including those furnished from stocks under the control of*
 6 *agencies of the Department of Defense; travel expenses (other*
 7 *than mileage) on the same basis as authorized by law for*
 8 *Air National Guard personnel on active Federal duty, for*
 9 *Air National Guard commanders while inspecting units in*
 10 *compliance with National Guard Bureau regulations when*
 11 *specifically authorized by the Chief, National Guard Bu-*
 12 *reau, \$5,857,011,000.*

13 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
 14 *FORCES*

15 *For salaries and expenses necessary for the United*
 16 *States Court of Appeals for the Armed Forces, \$13,932,000,*
 17 *of which not to exceed \$5,000 may be used for official rep-*
 18 *resentation purposes.*

19 *ENVIRONMENTAL RESTORATION, ARMY*
 20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For the Department of the Army, \$430,864,000, to re-*
 22 *main available until transferred: Provided, That the Sec-*
 23 *retary of the Army shall, upon determining that such funds*
 24 *are required for environmental restoration, reduction and*
 25 *recycling of hazardous waste, removal of unsafe buildings*

1 *and debris of the Department of the Army, or for similar*
2 *purposes, transfer the funds made available by this appro-*
3 *priation to other appropriations made available to the De-*
4 *partment of the Army, to be merged with and to be available*
5 *for the same purposes and for the same time period as the*
6 *appropriations to which transferred: Provided further, That*
7 *upon a determination that all or part of the funds trans-*
8 *ferred from this appropriation are not necessary for the*
9 *purposes provided herein, such amounts may be transferred*
10 *back to this appropriation: Provided further, That the*
11 *transfer authority provided under this heading is in addi-*
12 *tion to any other transfer authority provided elsewhere in*
13 *this Act.*

14 *ENVIRONMENTAL RESTORATION, NAVY*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For the Department of the Navy, \$285,869,000, to re-*
17 *main available until transferred: Provided, That the Sec-*
18 *retary of the Navy shall, upon determining that such funds*
19 *are required for environmental restoration, reduction and*
20 *recycling of hazardous waste, removal of unsafe buildings*
21 *and debris of the Department of the Navy, or for similar*
22 *purposes, transfer the funds made available by this appro-*
23 *priation to other appropriations made available to the De-*
24 *partment of the Navy, to be merged with and to be available*
25 *for the same purposes and for the same time period as the*

1 appropriations to which transferred: Provided further, That
2 upon a determination that all or part of the funds trans-
3 ferred from this appropriation are not necessary for the
4 purposes provided herein, such amounts may be transferred
5 back to this appropriation: Provided further, That the
6 transfer authority provided under this heading is in addi-
7 tion to any other transfer authority provided elsewhere in
8 this Act.

9 ENVIRONMENTAL RESTORATION, AIR FORCE

10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Air Force, \$494,276,000,
12 to remain available until transferred: Provided, That the
13 Secretary of the Air Force shall, upon determining that
14 such funds are required for environmental restoration, re-
15 duction and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Air Force,
17 or for similar purposes, transfer the funds made available
18 by this appropriation to other appropriations made avail-
19 able to the Department of the Air Force, to be merged with
20 and to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 Provided further, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

1 *Provided further, That the transfer authority provided*
2 *under this heading is in addition to any other transfer au-*
3 *thority provided elsewhere in this Act.*

4 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Department of Defense, \$11,100,000, to remain*
7 *available until transferred: Provided, That the Secretary of*
8 *Defense shall, upon determining that such funds are re-*
9 *quired for environmental restoration, reduction and recy-*
10 *cling of hazardous waste, removal of unsafe buildings and*
11 *debris of the Department of Defense, or for similar purposes,*
12 *transfer the funds made available by this appropriation to*
13 *other appropriations made available to the Department of*
14 *Defense, to be merged with and to be available for the same*
15 *purposes and for the same time period as the appropria-*
16 *tions to which transferred: Provided further, That upon a*
17 *determination that all or part of the funds transferred from*
18 *this appropriation are not necessary for the purposes pro-*
19 *vided herein, such amounts may be transferred back to this*
20 *appropriation: Provided further, That the transfer author-*
21 *ity provided under this heading is in addition to any other*
22 *transfer authority provided elsewhere in this Act.*

22 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

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1 401, 402, 404, 407, 2557, and 2561 of title 10, United
2 States Code), \$109,869,000, to remain available until Sep-
3 tember 30, 2011.

4 *COOPERATIVE THREAT REDUCTION ACCOUNT*

5 *For assistance to the republics of the former Soviet*
6 *Union and, with appropriate authorization by the Depart-*
7 *ment of Defense and Department of State, to countries out-*
8 *side of the former Soviet Union, including assistance pro-*
9 *vided by contract or by grants, for facilitating the elimi-*
10 *nation and the safe and secure transportation and storage*
11 *of nuclear, chemical and other weapons; for establishing*
12 *programs to prevent the proliferation of weapons, weapons*
13 *components, and weapon-related technology and expertise;*
14 *for programs relating to the training and support of defense*
15 *and military personnel for demilitarization and protection*
16 *of weapons, weapons components and weapons technology*
17 *and expertise, and for defense and military contacts,*
18 *\$424,093,000, to remain available until September 30,*
19 *2012: Provided, That of the amounts provided under this*
20 *heading, not less than \$15,000,000 shall be available only*
21 *to support the dismantling and disposal of nuclear sub-*
22 *marines, submarine reactor components, and security en-*
23 *hancements for transport and storage of nuclear warheads*
24 *in the Russian Far East and North.*

1 *DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE*2 *DEVELOPMENT FUND*3 *For the Department of Defense Acquisition Workforce*4 *Development Fund, \$100,000,000.*5 *TITLE III*6 *PROCUREMENT*7 *AIRCRAFT PROCUREMENT, ARMY*

8 *For construction, procurement, production, modifica-*
9 *tion, and modernization of aircraft, equipment, including*
10 *ordnance, ground handling equipment, spare parts, and ac-*
11 *cessories therefor; specialized equipment and training de-*
12 *vices; expansion of public and private plants, including the*
13 *land necessary therefor, for the foregoing purposes, and such*
14 *lands and interests therein, may be acquired, and construc-*
15 *tion prosecuted thereon prior to approval of title; and pro-*
16 *curement and installation of equipment, appliances, and*
17 *machine tools in public and private plants; reserve plant*
18 *and Government and contractor-owned equipment layaway;*
19 *and other expenses necessary for the foregoing purposes,*
20 *\$5,244,252,000, to remain available for obligation until*
21 *September 30, 2012.*

22 *MISSILE PROCUREMENT, ARMY*

23 *For construction, procurement, production, modifica-*
24 *tion, and modernization of missiles, equipment, including*
25 *ordnance, ground handling equipment, spare parts, and ac-*

1 *cessories therefor; specialized equipment and training de-*
2 *vices; expansion of public and private plants, including the*
3 *land necessary therefor, for the foregoing purposes, and such*
4 *lands and interests therein, may be acquired, and construc-*
5 *tion prosecuted thereon prior to approval of title; and pro-*
6 *curement and installation of equipment, appliances, and*
7 *machine tools in public and private plants; reserve plant*
8 *and Government and contractor-owned equipment layaway;*
9 *and other expenses necessary for the foregoing purposes,*
10 *\$1,257,053,000, to remain available for obligation until*
11 *September 30, 2012.*

12 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
13 *VEHICLES, ARMY*

14 *For construction, procurement, production, and modi-*
15 *fication of weapons and tracked combat vehicles, equipment,*
16 *including ordnance, spare parts, and accessories therefor;*
17 *specialized equipment and training devices; expansion of*
18 *public and private plants, including the land necessary*
19 *therefor, for the foregoing purposes, and such lands and in-*
20 *terests therein, may be acquired, and construction pros-*
21 *ecuted thereon prior to approval of title; and procurement*
22 *and installation of equipment, appliances, and machine*
23 *tools in public and private plants; reserve plant and Gov-*
24 *ernment and contractor-owned equipment layaway; and*
25 *other expenses necessary for the foregoing purposes,*

1 \$2,310,007,000, to remain available for obligation until
2 September 30, 2012.

3 *PROCUREMENT OF AMMUNITION, ARMY*

4 *For construction, procurement, production, and modi-*
5 *fication of ammunition, and accessories therefor; specialized*
6 *equipment and training devices; expansion of public and*
7 *private plants, including ammunition facilities, authorized*
8 *by section 2854 of title 10, United States Code, and the*
9 *land necessary therefor, for the foregoing purposes, and such*
10 *lands and interests therein, may be acquired, and construc-*
11 *tion prosecuted thereon prior to approval of title; and pro-*
12 *curement and installation of equipment, appliances, and*
13 *machine tools in public and private plants; reserve plant*
14 *and Government and contractor-owned equipment layaway;*
15 *and other expenses necessary for the foregoing purposes,*
16 *\$2,049,995,000, to remain available for obligation until*
17 *September 30, 2012.*

18 *OTHER PROCUREMENT, ARMY*

19 *For construction, procurement, production, and modi-*
20 *fication of vehicles, including tactical, support, and non-*
21 *tracked combat vehicles; the purchase of passenger motor ve-*
22 *hicles for replacement only; and the purchase of eight vehi-*
23 *cles required for physical security of personnel, notwith-*
24 *standing price limitations applicable to passenger vehicles*
25 *but not to exceed \$250,000 per vehicle; communications and*

1 *electronic equipment; other support equipment; spare parts,*
 2 *ordnance, and accessories therefor; specialized equipment*
 3 *and training devices; expansion of public and private*
 4 *plants, including the land necessary therefor, for the fore-*
 5 *going purposes, and such lands and interests therein, may*
 6 *be acquired, and construction prosecuted thereon prior to*
 7 *approval of title; and procurement and installation of*
 8 *equipment, appliances, and machine tools in public and*
 9 *private plants; reserve plant and Government and con-*
 10 *tractor-owned equipment layaway; and other expenses nec-*
 11 *essary for the foregoing purposes, \$9,395,444,000, to remain*
 12 *available for obligation until September 30, 2012.*

13 *AIRCRAFT PROCUREMENT, NAVY*

14 *For construction, procurement, production, modifica-*
 15 *tion, and modernization of aircraft, equipment, including*
 16 *ordnance, spare parts, and accessories therefor; specialized*
 17 *equipment; expansion of public and private plants, includ-*
 18 *ing the land necessary therefor, and such lands and inter-*
 19 *ests therein, may be acquired, and construction prosecuted*
 20 *thereon prior to approval of title; and procurement and in-*
 21 *stallation of equipment, appliances, and machine tools in*
 22 *public and private plants; reserve plant and Government*
 23 *and contractor-owned equipment layaway,*
 24 *\$18,079,312,000, to remain available for obligation until*
 25 *September 30, 2012.*

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,446,419,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE

CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant

1 *and Government and contractor-owned equipment layaway;*
 2 *and other expenses necessary for the foregoing purposes,*
 3 *\$814,015,000, to remain available for obligation until Sep-*
 4 *tember 30, 2012.*

5 *SHIPBUILDING AND CONVERSION, NAVY*

6 *For expenses necessary for the construction, acquisi-*
 7 *tion, or conversion of vessels as authorized by law, includ-*
 8 *ing armor and armament thereof, plant equipment, appli-*
 9 *ances, and machine tools and installation thereof in public*
 10 *and private plants; reserve plant and Government and con-*
 11 *tractor-owned equipment layaway; procurement of critical,*
 12 *long lead time components and designs for vessels to be con-*
 13 *structed or converted in the future; and expansion of public*
 14 *and private plants, including land necessary therefor, and*
 15 *such lands and interests therein, may be acquired, and con-*
 16 *struction prosecuted thereon prior to approval of title, as*
 17 *follows:*

18 *Carrier Replacement Program, \$739,269,000;*
 19 *Carrier Replacement Program (AP),*
 20 *\$484,432,000;*
 21 *NSSN, \$1,964,317,000;*
 22 *NSSN (AP), \$1,959,725,000;*
 23 *CVN Refueling, \$1,563,602,000;*
 24 *CVN Refuelings (AP), \$211,820,000;*
 25 *DDG-1000 Program, \$1,393,797,000;*

1 *DDG–51 Destroyer, \$3,650,000,000;*
2 *DDG–51 Destroyer (AP), \$328,996,000;*
3 *Littoral Combat Ship, \$1,080,000,000;*
4 *LPD–17, \$872,392,000;*
5 *LPD–17 (AP), \$184,555,000;*
6 *LHA–R (AP), \$170,000,000;*
7 *Intratheater Connector, \$177,956,000;*
8 *LCAC Service Life Extension Program,*
9 *\$63,857,000;*
10 *Prior year shipbuilding costs, \$144,950,000;*
11 *Service Craft, \$3,694,000; and*
12 *For outfitting, post delivery, conversions, and*
13 *first destination transportation, \$391,238,000.*
14 *In all: \$15,384,600,000, to remain available for obliga-*
15 *tion until September 30, 2014: Provided, That additional*
16 *obligations may be incurred after September 30, 2014, for*
17 *engineering services, tests, evaluations, and other such budg-*
18 *eted work that must be performed in the final stage of ship*
19 *construction: Provided further, That none of the funds pro-*
20 *vided under this heading for the construction or conversion*
21 *of any naval vessel to be constructed in shipyards in the*
22 *United States shall be expended in foreign facilities for the*
23 *construction of major components of such vessel: Provided*
24 *further, That none of the funds provided under this heading*

1 *shall be used for the construction of any naval vessel in*
2 *foreign shipyards.*

3 *OTHER PROCUREMENT, NAVY*

4 *For procurement, production, and modernization of*
5 *support equipment and materials not otherwise provided*
6 *for, Navy ordnance (except ordnance for new aircraft, new*
7 *ships, and ships authorized for conversion); the purchase*
8 *of passenger motor vehicles for replacement only, and the*
9 *purchase of seven vehicles required for physical security of*
10 *personnel, notwithstanding price limitations applicable to*
11 *passenger vehicles but not to exceed \$250,000 per vehicle;*
12 *expansion of public and private plants, including the land*
13 *necessary therefor, and such lands and interests therein,*
14 *may be acquired, and construction prosecuted thereon prior*
15 *to approval of title; and procurement and installation of*
16 *equipment, appliances, and machine tools in public and*
17 *private plants; reserve plant and Government and con-*
18 *tractor-owned equipment layaway, \$5,499,413,000, to re-*
19 *main available for obligation until September 30, 2012.*

20 *PROCUREMENT, MARINE CORPS*

21 *For expenses necessary for the procurement, manufac-*
22 *ture, and modification of missiles, armament, military*
23 *equipment, spare parts, and accessories therefor; plant*
24 *equipment, appliances, and machine tools, and installation*
25 *thereof in public and private plants; reserve plant and Gov-*

1 *ernment and contractor-owned equipment layaway; vehicles*
2 *for the Marine Corps, including the purchase of passenger*
3 *motor vehicles for replacement only; and expansion of pub-*
4 *lic and private plants, including land necessary therefor,*
5 *and such lands and interests therein, may be acquired, and*
6 *construction prosecuted thereon prior to approval of title,*
7 *\$1,550,080,000, to remain available for obligation until*
8 *September 30, 2012.*

9 *AIRCRAFT PROCUREMENT, AIR FORCE*

10 *For construction, procurement, and modification of*
11 *aircraft and equipment, including armor and armament,*
12 *specialized ground handling equipment, and training de-*
13 *vices, spare parts, and accessories therefor; specialized*
14 *equipment; expansion of public and private plants, Govern-*
15 *ment-owned equipment and installation thereof in such*
16 *plants, erection of structures, and acquisition of land, for*
17 *the foregoing purposes, and such lands and interests therein,*
18 *may be acquired, and construction prosecuted thereon prior*
19 *to approval of title; reserve plant and Government and con-*
20 *tractor-owned equipment layaway; and other expenses nec-*
21 *essary for the foregoing purposes including rents and trans-*
22 *portation of things, \$13,148,720,000, to remain available*
23 *for obligation until September 30, 2012.*

1 *MISSILE PROCUREMENT, AIR FORCE*

2 *For construction, procurement, and modification of*
3 *missiles, spacecraft, rockets, and related equipment, includ-*
4 *ing spare parts and accessories therefor, ground handling*
5 *equipment, and training devices; expansion of public and*
6 *private plants, Government-owned equipment and installa-*
7 *tion thereof in such plants, erection of structures, and ac-*
8 *quisition of land, for the foregoing purposes, and such lands*
9 *and interests therein, may be acquired, and construction*
10 *prosecuted thereon prior to approval of title; reserve plant*
11 *and Government and contractor-owned equipment layaway;*
12 *and other expenses necessary for the foregoing purposes in-*
13 *cluding rents and transportation of things, \$6,070,344,000,*
14 *to remain available for obligation until September 30,*
15 *2012.*

16 *PROCUREMENT OF AMMUNITION, AIR FORCE*

17 *For construction, procurement, production, and modi-*
18 *fication of ammunition, and accessories therefor; specialized*
19 *equipment and training devices; expansion of public and*
20 *private plants, including ammunition facilities, authorized*
21 *by section 2854 of title 10, United States Code, and the*
22 *land necessary therefor, for the foregoing purposes, and such*
23 *lands and interests therein, may be acquired, and construc-*
24 *tion prosecuted thereon prior to approval of title; and pro-*
25 *curement and installation of equipment, appliances, and*

1 *machine tools in public and private plants; reserve plant*
2 *and Government and contractor-owned equipment layaway;*
3 *and other expenses necessary for the foregoing purposes,*
4 *\$815,246,000, to remain available for obligation until Sep-*
5 *tember 30, 2012.*

6 *OTHER PROCUREMENT, AIR FORCE*

7 *For procurement and modification of equipment (in-*
8 *cluding ground guidance and electronic control equipment,*
9 *and ground electronic and communication equipment), and*
10 *supplies, materials, and spare parts therefor, not otherwise*
11 *provided for; the purchase of passenger motor vehicles for*
12 *replacement only, and the purchase of two vehicles required*
13 *for physical security of personnel, notwithstanding price*
14 *limitations applicable to passenger vehicles but not to ex-*
15 *ceed \$250,000 per vehicle; lease of passenger motor vehicles;*
16 *and expansion of public and private plants, Government-*
17 *owned equipment and installation thereof in such plants,*
18 *erection of structures, and acquisition of land, for the fore-*
19 *going purposes, and such lands and interests therein, may*
20 *be acquired, and construction prosecuted thereon, prior to*
21 *approval of title; reserve plant and Government and con-*
22 *tractor-owned equipment layaway, \$17,283,800,000, to re-*
23 *main available for obligation until September 30, 2012.*

1 *PROCUREMENT, DEFENSE-WIDE*

2 *For expenses of activities and agencies of the Depart-*
3 *ment of Defense (other than the military departments) nec-*
4 *essary for procurement, production, and modification of*
5 *equipment, supplies, materials, and spare parts therefor,*
6 *not otherwise provided for; the purchase of passenger motor*
7 *vehicles for replacement only; expansion of public and pri-*
8 *vate plants, equipment, and installation thereof in such*
9 *plants, erection of structures, and acquisition of land for*
10 *the foregoing purposes, and such lands and interests therein,*
11 *may be acquired, and construction prosecuted thereon prior*
12 *to approval of title; reserve plant and Government and con-*
13 *tractor-owned equipment layaway, \$4,017,697,000, to re-*
14 *main available for obligation until September 30, 2012.*

15 *NATIONAL GUARD AND RESERVE EQUIPMENT*

16 *For procurement of aircraft, missiles, tracked combat*
17 *vehicles, ammunition, other weapons, and other procure-*
18 *ment for the reserve components of the Armed Forces,*
19 *\$1,500,000,000, to remain available for obligation until*
20 *September 30, 2012: Provided, That the Chiefs of the Re-*
21 *serve and National Guard components shall, not later than*
22 *30 days after the enactment of this Act, individually submit*
23 *to the congressional defense committees the modernization*
24 *priority assessment for their respective Reserve or National*
25 *Guard component.*

1 *DEFENSE PRODUCTION ACT PURCHASES*

2 *For activities by the Department of Defense pursuant*
3 *to sections 108, 301, 302, and 303 of the Defense Production*
4 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*
5 *\$149,746,000, to remain available until expended.*

6 *TITLE IV*

7 *RESEARCH, DEVELOPMENT, TEST AND*

8 *EVALUATION*

9 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

10 *For expenses necessary for basic and applied scientific*
11 *research, development, test and evaluation, including main-*
12 *tenance, rehabilitation, lease, and operation of facilities*
13 *and equipment, \$10,653,126,000, to remain available for*
14 *obligation until September 30, 2011.*

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

16 *For expenses necessary for basic and applied scientific*
17 *research, development, test and evaluation, including main-*
18 *tenance, rehabilitation, lease, and operation of facilities*
19 *and equipment, \$19,148,509,000, to remain available for*
20 *obligation until September 30, 2011: Provided, That funds*
21 *appropriated in this paragraph which are available for the*
22 *V-22 may be used to meet unique operational requirements*
23 *of the Special Operations Forces: Provided further, That*
24 *funds appropriated in this paragraph shall be available for*
25 *the Cobra Judy program.*

8 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
9 *DEFENSE-WIDE*

21 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

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1 *test and evaluation which is conducted prior to, and in sup-*
2 *port of, production decisions; joint operational testing and*
3 *evaluation; and administrative expenses in connection*
4 *therewith, \$190,770,000, to remain available for obligation*
5 *until September 30, 2011.*

6 *TITLE V*

7 *REVOLVING AND MANAGEMENT FUNDS*

8 *DEFENSE WORKING CAPITAL FUNDS*

9 *For the Defense Working Capital Funds,*
10 *\$1,455,004,000.*

11 *NATIONAL DEFENSE SEALIFT FUND*

12 *For National Defense Sealift Fund programs, projects,*
13 *and activities, and for expenses of the National Defense Re-*
14 *serve Fleet, as established by section 11 of the Merchant*
15 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
16 *necessary expenses to maintain and preserve a U.S.-flag*
17 *merchant fleet to serve the national security needs of the*
18 *United States, \$1,242,758,000, to remain available until ex-*
19 *pende: Provided, That none of the funds provided in this*
20 *paragraph shall be used to award a new contract that pro-*
21 *vides for the acquisition of any of the following major com-*
22 *ponents unless such components are manufactured in the*
23 *United States: auxiliary equipment, including pumps, for*
24 *all shipboard services; propulsion system components (en-*
25 *gines, reduction gears, and propellers); shipboard cranes;*

1 *and spreaders for shipboard cranes: Provided further, That*
 2 *the exercise of an option in a contract awarded through the*
 3 *obligation of previously appropriated funds shall not be*
 4 *considered to be the award of a new contract: Provided fur-*
 5 *ther, That the Secretary of the military department respon-*
 6 *sible for such procurement may waive the restrictions in*
 7 *the first proviso on a case-by-case basis by certifying in*
 8 *writing to the Committees on Appropriations of the House*
 9 *of Representatives and the Senate that adequate domestic*
 10 *supplies are not available to meet Department of Defense*
 11 *requirements on a timely basis and that such an acquisition*
 12 *must be made in order to acquire capability for national*
 13 *security purposes.*

14 *TITLE VI*

15 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

16 *DEFENSE HEALTH PROGRAM*

17 *For expenses, not otherwise provided for, for medical*
 18 *and health care programs of the Department of Defense as*
 19 *authorized by law, \$28,311,113,000; of which*
 20 *\$26,990,219,000 shall be for operation and maintenance, of*
 21 *which not to exceed one percent shall remain available until*
 22 *September 30, 2011, and of which up to \$15,093,539,000*
 23 *may be available for contracts entered into under the*
 24 *TRICARE program; of which \$322,142,000, to remain*
 25 *available for obligation until September 30, 2012, shall be*

1 *for procurement; and of which \$998,752,000, to remain*
2 *available for obligation until September 30, 2011, shall be*
3 *for research, development, test and evaluation.*

4 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,*
5 *DEFENSE*

6 *For expenses, not otherwise provided for, necessary for*
7 *the destruction of the United States stockpile of lethal chem-*
8 *ical agents and munitions, to include construction of facili-*
9 *ties, in accordance with the provisions of section 1412 of*
10 *the Department of Defense Authorization Act, 1986 (50*
11 *U.S.C. 1521), and for the destruction of other chemical war-*
12 *fare materials that are not in the chemical weapon stock-*
13 *pile, \$1,539,869,000, of which \$1,125,911,000 shall be for*
14 *operation and maintenance, of which no less than*
15 *\$84,839,000, shall be for the Chemical Stockpile Emergency*
16 *Preparedness Program, consisting of \$34,905,000 for activi-*
17 *ties on military installations and \$49,934,000, to remain*
18 *available until September 30, 2011, to assist State and local*
19 *governments; \$12,689,000 shall be for procurement, to re-*
20 *main available until September 30, 2012, of which no less*
21 *than \$12,689,000 shall be for the Chemical Stockpile Emer-*
22 *gency Preparedness Program to assist State and local gov-*
23 *ernments; and \$401,269,000, to remain available until Sep-*
24 *tember 30, 2011, shall be for research, development, test and*

1 *evaluation, of which \$398,669,000 shall only be for the As-*
 2 *sembled Chemical Weapons Alternatives (ACWA) program.*

3 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

4 *DEFENSE*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For drug interdiction and counter-drug activities of*
 7 *the Department of Defense, for transfer to appropriations*
 8 *available to the Department of Defense for military per-*
 9 *sonnel of the reserve components serving under the provi-*
 10 *sions of title 10 and title 32, United States Code; for oper-*
 11 *ation and maintenance; for procurement; and for research,*
 12 *development, test and evaluation, \$1,103,086,000: Provided,*
 13 *That the funds appropriated under this heading shall be*
 14 *available for obligation for the same time period and for*
 15 *the same purpose as the appropriation to which transferred:*
 16 *Provided further, That upon a determination that all or*
 17 *part of the funds transferred from this appropriation are*
 18 *not necessary for the purposes provided herein, such*
 19 *amounts may be transferred back to this appropriation:*
 20 *Provided further, That the transfer authority provided*
 21 *under this heading is in addition to any other transfer au-*
 22 *thority contained elsewhere in this Act.*

23 *OFFICE OF THE INSPECTOR GENERAL*

24 *For expenses and activities of the Office of the Inspec-*
 25 *tor General in carrying out the provisions of the Inspector*

1 *General Act of 1978, as amended, \$288,100,000, of which*
 2 *\$287,100,000 shall be for operation and maintenance, of*
 3 *which not to exceed \$700,000 is available for emergencies*
 4 *and extraordinary expenses to be expended on the approval*
 5 *or authority of the Inspector General, and payments may*
 6 *be made on the Inspector General's certificate of necessity*
 7 *for confidential military purposes; and of which \$1,000,000,*
 8 *to remain available until September 30, 2012, shall be for*
 9 *procurement.*

10 *TITLE VII*

11 *RELATED AGENCIES*

12 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

13 *DISABILITY SYSTEM FUND*

14 *For payment to the Central Intelligence Agency Retire-*
 15 *ment and Disability System Fund, to maintain the proper*
 16 *funding level for continuing the operation of the Central*
 17 *Intelligence Agency Retirement and Disability System,*
 18 *\$290,900,000.*

19 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

20 *For necessary expenses of the Intelligence Community*
 21 *Management Account, \$750,812,000.*

1 *TITLE VIII*2 *GENERAL PROVISIONS*

3 *SEC. 8001. No part of any appropriation contained*
4 *in this Act shall be used for publicity or propaganda pur-*
5 *poses not authorized by the Congress.*

6 *SEC. 8002. During the current fiscal year, provisions*
7 *of law prohibiting the payment of compensation to, or em-*
8 *ployment of, any person not a citizen of the United States*
9 *shall not apply to personnel of the Department of Defense:*
10 *Provided, That salary increases granted to direct and indi-*
11 *rect hire foreign national employees of the Department of*
12 *Defense funded by this Act shall not be at a rate in excess*
13 *of the percentage increase authorized by law for civilian*
14 *employees of the Department of Defense whose pay is com-*
15 *puted under the provisions of section 5332 of title 5, United*
16 *States Code, or at a rate in excess of the percentage increase*
17 *provided by the appropriate host nation to its own employ-*
18 *ees, whichever is higher: Provided further, That this section*
19 *shall not apply to Department of Defense foreign service*
20 *national employees serving at United States diplomatic*
21 *missions whose pay is set by the Department of State under*
22 *the Foreign Service Act of 1980: Provided further, That the*
23 *limitations of this provision shall not apply to foreign na-*
24 *tional employees of the Department of Defense in the Re-*
25 *public of Turkey.*

1 *SEC. 8003. No part of any appropriation contained*
2 *in this Act shall remain available for obligation beyond the*
3 *current fiscal year, unless expressly so provided herein.*

4 *SEC. 8004. No more than 20 percent of the appropria-*
5 *tions in this Act which are limited for obligation during*
6 *the current fiscal year shall be obligated during the last 2*
7 *months of the fiscal year: Provided, That this section shall*
8 *not apply to obligations for support of active duty training*
9 *of reserve components or summer camp training of the Re-*
10 *serve Officers' Training Corps.*

11 *(TRANSFER OF FUNDS)*

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Management
15 and Budget, transfer not to exceed \$4,000,000,000 of work-
16 ing capital funds of the Department of Defense or funds
17 made available in this Act to the Department of Defense
18 for military functions (except military construction) be-
19 tween such appropriations or funds or any subdivision
20 thereof, to be merged with and to be available for the same
21 purposes, and for the same time period, as the appropria-
22 tion or fund to which transferred: Provided, That such au-
23 thority to transfer may not be used unless for higher pri-
24 ority items, based on unforeseen military requirements,
25 than those for which originally appropriated and in no case

1 *where the item for which funds are requested has been de-*
2 *nied by the Congress: Provided further, That the Secretary*
3 *of Defense shall notify the Congress promptly of all transfers*
4 *made pursuant to this authority or any other authority in*
5 *this Act: Provided further, That no part of the funds in*
6 *this Act shall be available to prepare or present a request*
7 *to the Committees on Appropriations for reprogramming*
8 *of funds, unless for higher priority items, based on unfore-*
9 *seen military requirements, than those for which originally*
10 *appropriated and in no case where the item for which re-*
11 *programming is requested has been denied by the Congress:*
12 *Provided further, That a request for multiple*
13 *reprogrammings of funds using authority provided in this*
14 *section must be made prior to June 30, 2010: Provided fur-*
15 *ther, That transfers among military personnel appropria-*
16 *tions shall not be taken into account for purposes of the*
17 *limitation on the amount of funds that may be transferred*
18 *under this section: Provided further, That no obligation of*
19 *funds may be made pursuant to section 1206 of Public Law*
20 *109–163 (or any successor provision) unless the Secretary*
21 *of Defense has notified the congressional defense committees*
22 *prior to any such obligation.*

23 *SEC. 8006. (a) Not later than 60 days after enactment*
24 *of this Act, the Department of Defense shall submit a report*
25 *to the congressional defense committees to establish the base-*

1 *line for application of reprogramming and transfer au-*
 2 *thorities for fiscal year 2010: Provided, That the report*
 3 *shall include—*

4 (1) *a table for each appropriation with a sepa-*
 5 *rate column to display the President’s budget request,*
 6 *adjustments made by Congress, adjustments due to*
 7 *enacted rescissions, if appropriate, and the fiscal year*
 8 *enacted level;*

9 (2) *a delineation in the table for each appropri-*
 10 *ation both by budget activity and program, project,*
 11 *and activity as detailed in the Budget Appendix; and*

12 (3) *an identification of items of special congres-*
 13 *sional interest.*

14 (b) *Notwithstanding section 8005 of this Act, none of*
 15 *the funds provided in this Act shall be available for re-*
 16 *programming or transfer until the report identified in sub-*
 17 *section (a) is submitted to the congressional defense commit-*
 18 *tees, unless the Secretary of Defense certifies in writing to*
 19 *the congressional defense committees that such reprogram-*
 20 *ming or transfer is necessary as an emergency requirement.*

21 SEC. 8007. *The Secretaries of the Air Force and the*
 22 *Army are authorized, using funds available under the head-*
 23 *ings “Operation and Maintenance, Air Force” and “Oper-*
 24 *ation and Maintenance, Army”, to complete facility conver-*
 25 *sions and phased repair projects which may include up-*

1 *grades and additions to Alaskan range infrastructure and*
2 *training areas, and improved access to these ranges.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 8008. During the current fiscal year, cash bal-*
5 *ances in working capital funds of the Department of De-*
6 *fense established pursuant to section 2208 of title 10, United*
7 *States Code, may be maintained in only such amounts as*
8 *are necessary at any time for cash disbursements to be made*
9 *from such funds: Provided, That transfers may be made be-*
10 *tween such funds: Provided further, That transfers may be*
11 *made between working capital funds and the “Foreign Cur-*
12 *rency Fluctuations, Defense” appropriation and the “Oper-*
13 *ation and Maintenance” appropriation accounts in such*
14 *amounts as may be determined by the Secretary of Defense,*
15 *with the approval of the Office of Management and Budget,*
16 *except that such transfers may not be made unless the Sec-*
17 *retary of Defense has notified the Congress of the proposed*
18 *transfer. Except in amounts equal to the amounts appro-*
19 *priated to working capital funds in this Act, no obligations*
20 *may be made against a working capital fund to procure*
21 *or increase the value of war reserve material inventory, un-*
22 *less the Secretary of Defense has notified the Congress prior*
23 *to any such obligation.*

24 *SEC. 8009. Funds appropriated by this Act may not*
25 *be used to initiate a special access program without prior*

1 notification 30 calendar days in advance to the congres-
2 sional defense committees.

3 SEC. 8010. None of the funds provided in this Act shall
4 be available to initiate: (1) a multiyear contract that em-
5 ploys economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that includes
7 an unfunded contingent liability in excess of \$20,000,000;
8 or (2) a contract for advance procurement leading to a
9 multiyear contract that employs economic order quantity
10 procurement in excess of \$20,000,000 in any one year, un-
11 less the congressional defense committees have been notified
12 at least 30 days in advance of the proposed contract award:
13 Provided, That no part of any appropriation contained in
14 this Act shall be available to initiate a multiyear contract
15 for which the economic order quantity advance procurement
16 is not funded at least to the limits of the Government's li-
17 ability: Provided further, That no part of any appropria-
18 tion contained in this Act shall be available to initiate
19 multiyear procurement contracts for any systems or compo-
20 nent thereof if the value of the multiyear contract would
21 exceed \$500,000,000 unless specifically provided in this Act:
22 Provided further, That no multiyear procurement contract
23 can be terminated without 10-day prior notification to the
24 congressional defense committees: Provided further, That the
25 execution of multiyear authority shall require the use of a

1 *present value analysis to determine lowest cost compared*
2 *to an annual procurement: Provided further, That none of*
3 *the funds provided in this Act may be used for a multiyear*
4 *contract executed after the date of the enactment of this Act*
5 *unless in the case of any such contract—*

6 *(1) the Secretary of Defense has submitted to*
7 *Congress a budget request for full funding of units to*
8 *be procured through the contract and, in the case of*
9 *a contract for procurement of aircraft, that includes,*
10 *for any aircraft unit to be procured through the con-*
11 *tract for which procurement funds are requested in*
12 *that budget request for production beyond advance*
13 *procurement activities in the fiscal year covered by*
14 *the budget, full funding of procurement of such unit*
15 *in that fiscal year;*

16 *(2) cancellation provisions in the contract do not*
17 *include consideration of recurring manufacturing*
18 *costs of the contractor associated with the production*
19 *of unfunded units to be delivered under the contract;*

20 *(3) the contract provides that payments to the*
21 *contractor under the contract shall not be made in*
22 *advance of incurred costs on funded units; and*

23 *(4) the contract does not provide for a price ad-*
24 *justment based on a failure to award a follow-on con-*
25 *tract.*

1 *SEC. 8011. Within the funds appropriated for the oper-*
2 *ation and maintenance of the Armed Forces, funds are here-*
3 *by appropriated pursuant to section 401 of title 10, United*
4 *States Code, for humanitarian and civic assistance costs*
5 *under chapter 20 of title 10, United States Code. Such funds*
6 *may also be obligated for humanitarian and civic assist-*
7 *ance costs incidental to authorized operations and pursuant*
8 *to authority granted in section 401 of chapter 20 of title*
9 *10, United States Code, and these obligations shall be re-*
10 *ported as required by section 401(d) of title 10, United*
11 *States Code: Provided, That funds available for operation*
12 *and maintenance shall be available for providing humani-*
13 *tarian and similar assistance by using Civic Action Teams*
14 *in the Trust Territories of the Pacific Islands and freely*
15 *associated states of Micronesia, pursuant to the Compact*
16 *of Free Association as authorized by Public Law 99-239:*
17 *Provided further, That upon a determination by the Sec-*
18 *retary of the Army that such action is beneficial for grad-*
19 *uate medical education programs conducted at Army med-*
20 *ical facilities located in Hawaii, the Secretary of the Army*
21 *may authorize the provision of medical services at such fa-*
22 *cilities and transportation to such facilities, on a nonreim-*
23 *bursable basis, for civilian patients from American Samoa,*
24 *the Commonwealth of the Northern Mariana Islands, the*

1 *Marshall Islands, the Federated States of Micronesia,*
2 *Palau, and Guam.*

3 *SEC. 8012. (a) During fiscal year 2010, the civilian*
4 *personnel of the Department of Defense may not be man-*
5 *aged on the basis of any end-strength, and the management*
6 *of such personnel during that fiscal year shall not be subject*
7 *to any constraint or limitation (known as an end-strength)*
8 *on the number of such personnel who may be employed on*
9 *the last day of such fiscal year.*

10 *(b) The fiscal year 2011 budget request for the Depart-*
11 *ment of Defense as well as all justification material and*
12 *other documentation supporting the fiscal year 2011 De-*
13 *partment of Defense budget request shall be prepared and*
14 *submitted to the Congress as if subsections (a) and (b) of*
15 *this provision were effective with regard to fiscal year 2011.*

16 *(c) Nothing in this section shall be construed to apply*
17 *to military (civilian) technicians.*

18 *SEC. 8013. None of the funds made available by this*
19 *Act shall be used in any way, directly or indirectly, to in-*
20 *fluence congressional action on any legislation or appro-*
21 *priation matters pending before the Congress.*

22 *SEC. 8014. None of the funds appropriated by this Act*
23 *shall be available for the basic pay and allowances of any*
24 *member of the Army participating as a full-time student*
25 *and receiving benefits paid by the Secretary of Veterans Af-*

1 *fairs from the Department of Defense Education Benefits*
 2 *Fund when time spent as a full-time student is credited*
 3 *toward completion of a service commitment: Provided, That*
 4 *this section shall not apply to those members who have reen-*
 5 *listed with this option prior to October 1, 1987: Provided*
 6 *further, That this section applies only to active components*
 7 *of the Army.*

8 *SEC. 8015. (a) None of the funds appropriated by this*
 9 *Act shall be available to convert to contractor performance*
 10 *an activity or function of the Department of Defense that,*
 11 *on or after the date of the enactment of this Act, is per-*
 12 *formed by more than 10 Department of Defense civilian em-*
 13 *ployees unless—*

14 *(1) the conversion is based on the result of a pub-*
 15 *lic-private competition that includes a most efficient*
 16 *and cost effective organization plan developed by such*
 17 *activity or function;*

18 *(2) the Competitive Sourcing Official determines*
 19 *that, over all performance periods stated in the solici-*
 20 *tation of offers for performance of the activity or*
 21 *function, the cost of performance of the activity or*
 22 *function by a contractor would be less costly to the*
 23 *Department of Defense by an amount that equals or*
 24 *exceeds the lesser of—*

1 (A) 10 percent of the most efficient organi-
2 zation's personnel-related costs for performance
3 of that activity or function by Federal employ-
4 ees; or

5 (B) \$10,000,000; and

6 (3) the contractor does not receive an advantage
7 for a proposal that would reduce costs for the Depart-
8 ment of Defense by—

9 (A) not making an employer-sponsored
10 health insurance plan available to the workers
11 who are to be employed in the performance of
12 that activity or function under the contract; or

13 (B) offering to such workers an employer-
14 sponsored health benefits plan that requires the
15 employer to contribute less towards the premium
16 or subscription share than the amount that is
17 paid by the Department of Defense for health
18 benefits for civilian employees under chapter 89
19 of title 5, United States Code.

20 (b)(1) The Department of Defense, without regard to
21 subsection (a) of this section or subsection (a), (b), or (c)
22 of section 2461 of title 10, United States Code, and notwith-
23 standing any administrative regulation, requirement, or
24 policy to the contrary shall have full authority to enter into

1 a contract for the performance of any commercial or indus-
2 trial type function of the Department of Defense that—

3 (A) is included on the procurement list estab-
4 lished pursuant to section 2 of the Javits-Wagner-
5 O'Day Act (41 U.S.C. 47);

6 (B) is planned to be converted to performance by
7 a qualified nonprofit agency for the blind or by a
8 qualified nonprofit agency for other severely handi-
9 capped individuals in accordance with that Act; or

10 (C) is planned to be converted to performance by
11 a qualified firm under at least 51 percent ownership
12 by an Indian tribe, as defined in section 4(e) of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 450b(e)), or a Native Hawaiian Orga-
15 nization, as defined in section 8(a)(15) of the Small
16 Business Act (15 U.S.C. 637(a)(15)).

17 (2) This section shall not apply to depot contracts or
18 contracts for depot maintenance as provided in sections
19 2469 and 2474 of title 10, United States Code.

20 (c) The conversion of any activity or function of the
21 Department of Defense under the authority provided by this
22 section shall be credited toward any competitive or out-
23 sourcing goal, target, or measurement that may be estab-
24 lished by statute, regulation, or policy and is deemed to
25 be awarded under the authority of, and in compliance with,

1 subsection (h) of section 2304 of title 10, United States
2 Code, for the competition or outsourcing of commercial ac-
3 tivities.

4 (TRANSFER OF FUNDS)

5 SEC. 8016. Funds appropriated in title III of this Act
6 for the Department of Defense Pilot Mentor-Protege Pro-
7 gram may be transferred to any other appropriation con-
8 tained in this Act solely for the purpose of implementing
9 a Mentor-Protege Program developmental assistance agree-
10 ment pursuant to section 831 of the National Defense Au-
11 thorization Act for Fiscal Year 1991 (Public Law 101-510;
12 10 U.S.C. 2302 note), as amended, under the authority of
13 this provision or any other transfer authority contained in
14 this Act.

15 SEC. 8017. None of the funds in this Act may be avail-
16 able for the purchase by the Department of Defense (and
17 its departments and agencies) of welded shipboard anchor
18 and mooring chain 4 inches in diameter and under unless
19 the anchor and mooring chain are manufactured in the
20 United States from components which are substantially
21 manufactured in the United States: Provided, That for the
22 purpose of this section manufactured will include cutting,
23 heat treating, quality control, testing of chain and welding
24 (including the forging and shot blasting process): Provided
25 further, That for the purpose of this section substantially

1 *all of the components of anchor and mooring chain shall*
2 *be considered to be produced or manufactured in the United*
3 *States if the aggregate cost of the components produced or*
4 *manufactured in the United States exceeds the aggregate*
5 *cost of the components produced or manufactured outside*
6 *the United States: Provided further, That when adequate*
7 *domestic supplies are not available to meet Department of*
8 *Defense requirements on a timely basis, the Secretary of the*
9 *service responsible for the procurement may waive this re-*
10 *striction on a case-by-case basis by certifying in writing*
11 *to the Committees on Appropriations that such an acquisi-*
12 *tion must be made in order to acquire capability for na-*
13 *tional security purposes.*

14 *SEC. 8018. None of the funds available to the Depart-*
15 *ment of Defense may be used to demilitarize or dispose of*
16 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
17 *rifles, .30 caliber rifles, or M-1911 pistols.*

18 *SEC. 8019. No more than \$500,000 of the funds appro-*
19 *priated or made available in this Act shall be used during*
20 *a single fiscal year for any single relocation of an organiza-*
21 *tion, unit, activity or function of the Department of Defense*
22 *into or within the National Capital Region: Provided, That*
23 *the Secretary of Defense may waive this restriction on a*
24 *case-by-case basis by certifying in writing to the congres-*

1 sional defense committees that such a relocation is required
2 in the best interest of the Government.

3 SEC. 8020. In addition to the funds provided elsewhere
4 in this Act, \$15,000,000 is appropriated only for incentive
5 payments authorized by section 504 of the Indian Financ-
6 ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime
7 contractor or a subcontractor at any tier that makes a sub-
8 contract award to any subcontractor or supplier as defined
9 in section 1544 of title 25, United States Code, or a small
10 business owned and controlled by an individual or individ-
11 uals defined under section 4221(9) of title 25, United States
12 Code, shall be considered a contractor for the purposes of
13 being allowed additional compensation under section 504
14 of the Indian Financing Act of 1974 (25 U.S.C. 1544)
15 whenever the prime contract or subcontract amount is over
16 \$500,000 and involves the expenditure of funds appro-
17 priated by an Act making Appropriations for the Depart-
18 ment of Defense with respect to any fiscal year: Provided
19 further, That notwithstanding section 430 of title 41,
20 United States Code, this section shall be applicable to any
21 Department of Defense acquisition of supplies or services,
22 including any contract and any subcontract at any tier for
23 acquisition of commercial items produced or manufactured,
24 in whole or in part by any subcontractor or supplier de-
25 fined in section 1544 of title 25, United States Code, or

1 *a small business owned and controlled by an individual or*
2 *individuals defined under section 4221(9) of title 25,*
3 *United States Code.*

4 *SEC. 8021. Funds appropriated by this Act for the De-*
5 *fense Media Activity shall not be used for any national or*
6 *international political or psychological activities.*

7 *SEC. 8022. None of the funds appropriated by this Act*
8 *shall be available to perform any cost study pursuant to*
9 *the provisions of OMB Circular A-76 if the study being*
10 *performed exceeds a period of 24 months after initiation*
11 *of such study with respect to a single function activity or*
12 *30 months after initiation of such study for a multi-func-*
13 *tion activity.*

14 *SEC. 8023. During the current fiscal year, the Depart-*
15 *ment of Defense is authorized to incur obligations of not*
16 *to exceed \$350,000,000 for purposes specified in section*
17 *2350j(c) of title 10, United States Code, in anticipation of*
18 *receipt of contributions, only from the Government of Ku-*
19 *wait, under that section: Provided, That upon receipt, such*
20 *contributions from the Government of Kuwait shall be cred-*
21 *ited to the appropriations or fund which incurred such obli-*
22 *gations.*

23 *SEC. 8024. (a) Of the funds made available in this*
24 *Act, not less than \$25,756,000 shall be available for the*
25 *Civil Air Patrol Corporation, of which—*

1 (1) \$22,433,000 shall be available from “Oper-
2 ation and Maintenance, Air Force” to support Civil
3 Air Patrol Corporation operation and maintenance,
4 readiness, counterdrug activities, and drug demand
5 reduction activities involving youth programs;

6 (2) \$2,426,000 shall be available from “Aircraft
7 Procurement, Air Force”; and

8 (3) \$897,000 shall be available from “Other Pro-
9 curement, Air Force” for vehicle procurement.

10 (b) The Secretary of the Air Force should waive reim-
11 bursement for any funds used by the Civil Air Patrol for
12 counter-drug activities in support of Federal, State, and
13 local government agencies.

14 SEC. 8025. (a) None of the funds appropriated in this
15 Act are available to establish a new Department of Defense
16 (department) federally funded research and development
17 center (FFRDC), either as a new entity, or as a separate
18 entity administrated by an organization managing another
19 FFRDC, or as a nonprofit membership corporation con-
20 sisting of a consortium of other FFRDCs and other non-
21 profit entities.

22 (b) No member of a Board of Directors, Trustees, Over-
23 seers, Advisory Group, Special Issues Panel, Visiting Com-
24 mittee, or any similar entity of a defense FFRDC, and no
25 paid consultant to any defense FFRDC, except when acting

1 *in a technical advisory capacity, may be compensated for*
2 *his or her services as a member of such entity, or as a paid*
3 *consultant by more than one FFRDC in a fiscal year: Pro-*
4 *vided, That a member of any such entity referred to pre-*
5 *viously in this subsection shall be allowed travel expenses*
6 *and per diem as authorized under the Federal Joint Travel*
7 *Regulations, when engaged in the performance of member-*
8 *ship duties.*

9 (c) *Notwithstanding any other provision of law, none*
10 *of the funds available to the department from any source*
11 *during fiscal year 2010 may be used by a defense FFRDC,*
12 *through a fee or other payment mechanism, for construction*
13 *of new buildings, for payment of cost sharing for projects*
14 *funded by Government grants, for absorption of contract*
15 *overruns, or for certain charitable contributions, not to in-*
16 *clude employee participation in community service and/or*
17 *development.*

18 (d) *Notwithstanding any other provision of law, of the*
19 *funds available to the department during fiscal year 2010,*
20 *not more than 5,600 staff years of technical effort (staff*
21 *years) may be funded for defense FFRDCs: Provided, That*
22 *of the specific amount referred to previously in this sub-*
23 *section, not more than 1,100 staff years may be funded for*
24 *the defense studies and analysis FFRDCs: Provided further,*
25 *That this subsection shall not apply to staff years funded*

1 *in the National Intelligence Program (NIP) and the Mili-*
2 *tary Intelligence Program (MIP).*

3 *(e) The Secretary of Defense shall, with the submission*
4 *of the department's fiscal year 2011 budget request, submit*
5 *a report presenting the specific amounts of staff years of*
6 *technical effort to be allocated for each defense FFRDC dur-*
7 *ing that fiscal year and the associated budget estimates.*

8 *(f) Notwithstanding any other provision of this Act,*
9 *the total amount appropriated in this Act for FFRDCs is*
10 *hereby reduced by \$120,200,000.*

11 *SEC. 8026. None of the funds appropriated or made*
12 *available in this Act shall be used to procure carbon, alloy*
13 *or armor steel plate for use in any Government-owned facil-*
14 *ity or property under the control of the Department of De-*
15 *fense which were not melted and rolled in the United States*
16 *or Canada: Provided, That these procurement restrictions*
17 *shall apply to any and all Federal Supply Class 9515,*
18 *American Society of Testing and Materials (ASTM) or*
19 *American Iron and Steel Institute (AISI) specifications of*
20 *carbon, alloy or armor steel plate: Provided further, That*
21 *the Secretary of the military department responsible for the*
22 *procurement may waive this restriction on a case-by-case*
23 *basis by certifying in writing to the Committees on Appro-*
24 *priations of the House of Representatives and the Senate*
25 *that adequate domestic supplies are not available to meet*

1 *Department of Defense requirements on a timely basis and*
2 *that such an acquisition must be made in order to acquire*
3 *capability for national security purposes: Provided further,*
4 *That these restrictions shall not apply to contracts which*
5 *are in being as of the date of the enactment of this Act.*

6 *SEC. 8027. For the purposes of this Act, the term “con-*
7 *gressional defense committees” means the Armed Services*
8 *Committee of the House of Representatives, the Armed Serv-*
9 *ices Committee of the Senate, the Subcommittee on Defense*
10 *of the Committee on Appropriations of the Senate, and the*
11 *Subcommittee on Defense of the Committee on Appropria-*
12 *tions of the House of Representatives.*

13 *SEC. 8028. During the current fiscal year, the Depart-*
14 *ment of Defense may acquire the modification, depot main-*
15 *tenance and repair of aircraft, vehicles and vessels as well*
16 *as the production of components and other Defense-related*
17 *articles, through competition between Department of De-*
18 *fense depot maintenance activities and private firms: Pro-*
19 *vided, That the Senior Acquisition Executive of the military*
20 *department or Defense Agency concerned, with power of del-*
21 *egation, shall certify that successful bids include comparable*
22 *estimates of all direct and indirect costs for both public and*
23 *private bids: Provided further, That Office of Management*
24 *and Budget Circular A-76 shall not apply to competitions*
25 *conducted under this section.*

1 *SEC. 8029. (a)(1) If the Secretary of Defense, after con-*
2 *sultation with the United States Trade Representative, de-*
3 *termines that a foreign country which is party to an agree-*
4 *ment described in paragraph (2) has violated the terms of*
5 *the agreement by discriminating against certain types of*
6 *products produced in the United States that are covered by*
7 *the agreement, the Secretary of Defense shall rescind the*
8 *Secretary's blanket waiver of the Buy American Act with*
9 *respect to such types of products produced in that foreign*
10 *country.*

11 *(2) An agreement referred to in paragraph (1) is any*
12 *reciprocal defense procurement memorandum of under-*
13 *standing, between the United States and a foreign country*
14 *pursuant to which the Secretary of Defense has prospec-*
15 *tively waived the Buy American Act for certain products*
16 *in that country.*

17 *(b) The Secretary of Defense shall submit to the Con-*
18 *gress a report on the amount of Department of Defense pur-*
19 *chases from foreign entities in fiscal year 2010. Such report*
20 *shall separately indicate the dollar value of items for which*
21 *the Buy American Act was waived pursuant to any agree-*
22 *ment described in subsection (a)(2), the Trade Agreement*
23 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
24 *agreement to which the United States is a party.*

1 (c) *For purposes of this section, the term “Buy Amer-*
2 *ican Act” means title III of the Act entitled “An Act mak-*
3 *ing appropriations for the Treasury and Post Office De-*
4 *partments for the fiscal year ending June 30, 1934, and*
5 *for other purposes”, approved March 3, 1933 (41 U.S.C.*
6 *10a et seq.).*

7 *SEC. 8030. During the current fiscal year, amounts*
8 *contained in the Department of Defense Overseas Military*
9 *Facility Investment Recovery Account established by section*
10 *2921(c)(1) of the National Defense Authorization Act of*
11 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*
12 *available until expended for the payments specified by sec-*
13 *tion 2921(c)(2) of that Act.*

14 *SEC. 8031. (a) Notwithstanding any other provision*
15 *of law, the Secretary of the Air Force may convey at no*
16 *cost to the Air Force, without consideration, to Indian*
17 *tribes located in the States of Nevada, Idaho, North Dakota,*
18 *South Dakota, Montana, Oregon, and Minnesota relocatable*
19 *military housing units located at Grand Forks Air Force*
20 *Base, Malmstrom Air Force Base, Mountain Home Air*
21 *Force Base, Ellsworth Air Force Base, and Minot Air Force*
22 *Base that are excess to the needs of the Air Force.*

23 *(b) The Secretary of the Air Force shall convey, at no*
24 *cost to the Air Force, military housing units under sub-*
25 *section (a) in accordance with the request for such units*

1 *that are submitted to the Secretary by the Operation Walk-*
2 *ing Shield Program on behalf of Indian tribes located in*
3 *the States of Nevada, Idaho, North Dakota, South Dakota,*
4 *Montana, Oregon, and Minnesota.*

5 *(c) The Operation Walking Shield Program shall re-*
6 *solve any conflicts among requests of Indian tribes for hous-*
7 *ing units under subsection (a) before submitting requests*
8 *to the Secretary of the Air Force under subsection (b).*

9 *(d) In this section, the term “Indian tribe” means any*
10 *recognized Indian tribe included on the current list pub-*
11 *lished by the Secretary of the Interior under section 104*
12 *of the Federally Recognized Indian Tribe Act of 1994 (Pub-*
13 *lic Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).*

14 *SEC. 8032. During the current fiscal year, appropria-*
15 *tions which are available to the Department of Defense for*
16 *operation and maintenance may be used to purchase items*
17 *having an investment item unit cost of not more than*
18 *\$250,000.*

19 *SEC. 8033. (a) During the current fiscal year, none*
20 *of the appropriations or funds available to the Department*
21 *of Defense Working Capital Funds shall be used for the pur-*
22 *chase of an investment item for the purpose of acquiring*
23 *a new inventory item for sale or anticipated sale during*
24 *the current fiscal year or a subsequent fiscal year to cus-*
25 *tomers of the Department of Defense Working Capital*

1 *Funds if such an item would not have been chargeable to*
2 *the Department of Defense Business Operations Fund dur-*
3 *ing fiscal year 1994 and if the purchase of such an invest-*
4 *ment item would be chargeable during the current fiscal*
5 *year to appropriations made to the Department of Defense*
6 *for procurement.*

7 **(b)** *The fiscal year 2011 budget request for the Depart-*
8 *ment of Defense as well as all justification material and*
9 *other documentation supporting the fiscal year 2011 De-*
10 *partment of Defense budget shall be prepared and submitted*
11 *to the Congress on the basis that any equipment which was*
12 *classified as an end item and funded in a procurement ap-*
13 *propriation contained in this Act shall be budgeted for in*
14 *a proposed fiscal year 2011 procurement appropriation and*
15 *not in the supply management business area or any other*
16 *area or category of the Department of Defense Working*
17 *Capital Funds.*

18 **SEC. 8034.** *None of the funds appropriated by this Act*
19 *for programs of the Central Intelligence Agency shall re-*
20 *main available for obligation beyond the current fiscal year,*
21 *except for funds appropriated for the Reserve for Contin-*
22 *gencies, which shall remain available until September 30,*
23 *2011: Provided, That funds appropriated, transferred, or*
24 *otherwise credited to the Central Intelligence Agency Cen-*
25 *tral Services Working Capital Fund during this or any*

1 prior or subsequent fiscal year shall remain available until
2 expended: Provided further, That any funds appropriated
3 or transferred to the Central Intelligence Agency for ad-
4 vanced research and development acquisition, for agent op-
5 erations, and for covert action programs authorized by the
6 President under section 503 of the National Security Act
7 of 1947, as amended, shall remain available until Sep-
8 tember 30, 2011.

9 SEC. 8035. Notwithstanding any other provision of
10 law, funds made available in this Act for the Defense Intel-
11 ligence Agency may be used for the design, development, and
12 deployment of General Defense Intelligence Program intel-
13 ligence communications and intelligence information sys-
14 tems for the Services, the Unified and Specified Commands,
15 and the component commands.

16 SEC. 8036. Of the funds appropriated to the Depart-
17 ment of Defense under the heading “Operation and Mainte-
18 nance, Defense-Wide”, not less than \$12,000,000 shall be
19 made available only for the mitigation of environmental
20 impacts, including training and technical assistance to
21 tribes, related administrative support, the gathering of in-
22 formation, documenting of environmental damage, and de-
23 veloping a system for prioritization of mitigation and cost
24 to complete estimates for mitigation, on Indian lands re-
25 sulting from Department of Defense activities.

1 *SEC. 8037. (a) None of the funds appropriated in this*
2 *Act may be expended by an entity of the Department of*
3 *Defense unless the entity, in expending the funds, complies*
4 *with the Buy American Act. For purposes of this subsection,*
5 *the term “Buy American Act” means title III of the Act*
6 *entitled “An Act making appropriations for the Treasury*
7 *and Post Office Departments for the fiscal year ending June*
8 *30, 1934, and for other purposes”, approved March 3, 1933*
9 *(41 U.S.C. 10a et seq.).*

10 *(b) If the Secretary of Defense determines that a person*
11 *has been convicted of intentionally affixing a label bearing*
12 *a “Made in America” inscription to any product sold in*
13 *or shipped to the United States that is not made in Amer-*
14 *ica, the Secretary shall determine, in accordance with sec-*
15 *tion 2410f of title 10, United States Code, whether the per-*
16 *son should be debarred from contracting with the Depart-*
17 *ment of Defense.*

18 *(c) In the case of any equipment or products purchased*
19 *with appropriations provided under this Act, it is the sense*
20 *of the Congress that any entity of the Department of De-*
21 *fense, in expending the appropriation, purchase only Amer-*
22 *ican-made equipment and products, provided that Amer-*
23 *ican-made equipment and products are cost-competitive,*
24 *quality-competitive, and available in a timely fashion.*

1 *SEC. 8038. None of the funds appropriated by this Act*
2 *shall be available for a contract for studies, analysis, or*
3 *consulting services entered into without competition on the*
4 *basis of an unsolicited proposal unless the head of the activ-*
5 *ity responsible for the procurement determines—*

6 *(1) as a result of thorough technical evaluation,*
7 *only one source is found fully qualified to perform the*
8 *proposed work;*

9 *(2) the purpose of the contract is to explore an*
10 *unsolicited proposal which offers significant scientific*
11 *or technological promise, represents the product of*
12 *original thinking, and was submitted in confidence*
13 *by one source; or*

14 *(3) the purpose of the contract is to take advan-*
15 *tage of unique and significant industrial accomplish-*
16 *ment by a specific concern, or to insure that a new*
17 *product or idea of a specific concern is given finan-*
18 *cial support: Provided, That this limitation shall not*
19 *apply to contracts in an amount of less than \$25,000,*
20 *contracts related to improvements of equipment that*
21 *is in development or production, or contracts as to*
22 *which a civilian official of the Department of Defense,*
23 *who has been confirmed by the Senate, determines*
24 *that the award of such contract is in the interest of*
25 *the national defense.*

1 *SEC. 8039. (a) Except as provided in subsections (b)*
2 *and (c), none of the funds made available by this Act may*
3 *be used—*

4 *(1) to establish a field operating agency; or*

5 *(2) to pay the basic pay of a member of the*
6 *Armed Forces or civilian employee of the department*
7 *who is transferred or reassigned from a headquarters*
8 *activity if the member or employee's place of duty re-*
9 *mains at the location of that headquarters.*

10 *(b) The Secretary of Defense or Secretary of a military*
11 *department may waive the limitations in subsection (a),*
12 *on a case-by-case basis, if the Secretary determines, and cer-*
13 *tifies to the Committees on Appropriations of the House of*
14 *Representatives and Senate that the granting of the waiver*
15 *will reduce the personnel requirements or the financial re-*
16 *quirements of the department.*

17 *(c) This section does not apply to—*

18 *(1) field operating agencies funded within the*
19 *National Intelligence Program; or*

20 *(2) an Army field operating agency established*
21 *to eliminate, mitigate, or counter the effects of impro-*
22 *vised explosive devices, and, as determined by the Sec-*
23 *retary of the Army, other similar threats.*

(RESCISSIONS)

1
2 *SEC. 8040. Of the funds appropriated in Department*
3 *of Defense Appropriations Acts, the following funds are*
4 *hereby rescinded from the following accounts and programs*
5 *in the specified amounts:*

6 *“Research, Development, Test and Evaluation,*
7 *Air Force, 2009/2010”, \$110,230,000;*

8 *“Research, Development, Test and Evaluation,*
9 *Defense-Wide, 2009/2010”, \$199,750,000;*

10 *“Procurement of Weapons and Tracked Combat*
11 *Vehicles, Army, 2009/2011”, \$41,087,000;*

12 *“Other Procurement, Army, 2009/2011”,*
13 *\$138,239,000;*

14 *“Aircraft Procurement, Air Force, 2009/2011”,*
15 *\$628,900,000;*

16 *“Missile Procurement, Air Force, 2009/2011”,*
17 *\$147,595,000;*

18 *“Other Procurement, Air Force, 2009/2011”,*
19 *\$5,000,000;*

20 *“Procurement, Defense-Wide, 2009/2011”,*
21 *\$5,200,000; and*

22 *“Procurement, Defense-Wide, 2008/2010”,*
23 *\$2,000,000.*

24 *SEC. 8041. None of the funds available in this Act may*
25 *be used to reduce the authorized positions for military (ci-*

1 *vilian) technicians of the Army National Guard, Air Na-*
2 *tional Guard, Army Reserve and Air Force Reserve for the*
3 *purpose of applying any administratively imposed civilian*
4 *personnel ceiling, freeze, or reduction on military (civilian)*
5 *technicians, unless such reductions are a direct result of a*
6 *reduction in military force structure.*

7 *SEC. 8042. None of the funds appropriated or other-*
8 *wise made available in this Act may be obligated or ex-*
9 *pended for assistance to the Democratic People's Republic*
10 *of Korea unless specifically appropriated for that purpose.*

11 *SEC. 8043. Funds appropriated in this Act for oper-*
12 *ation and maintenance of the Military Departments, Com-*
13 *batant Commands and Defense Agencies shall be available*
14 *for reimbursement of pay, allowances and other expenses*
15 *which would otherwise be incurred against appropriations*
16 *for the National Guard and Reserve when members of the*
17 *National Guard and Reserve provide intelligence or coun-*
18 *terintelligence support to Combatant Commands, Defense*
19 *Agencies and Joint Intelligence Activities, including the ac-*
20 *tivities and programs included within the National Intel-*
21 *ligence Program and the Military Intelligence Program:*
22 *Provided, That nothing in this section authorizes deviation*
23 *from established Reserve and National Guard personnel and*
24 *training procedures.*

1 *SEC. 8044. During the current fiscal year, none of the*
2 *funds appropriated in this Act may be used to reduce the*
3 *civilian medical and medical support personnel assigned to*
4 *military treatment facilities below the September 30, 2003,*
5 *level: Provided, That the Service Surgeons General may*
6 *waive this section by certifying to the congressional defense*
7 *committees that the beneficiary population is declining in*
8 *some catchment areas and civilian strength reductions may*
9 *be consistent with responsible resource stewardship and*
10 *capitation-based budgeting.*

11 *SEC. 8045. (a) None of the funds available to the De-*
12 *partment of Defense for any fiscal year for drug interdic-*
13 *tion or counter-drug activities may be transferred to any*
14 *other department or agency of the United States except as*
15 *specifically provided in an appropriations law.*

16 *(b) None of the funds available to the Central Intel-*
17 *ligence Agency for any fiscal year for drug interdiction and*
18 *counter-drug activities may be transferred to any other de-*
19 *partment or agency of the United States except as specifi-*
20 *cally provided in an appropriations law.*

21 *SEC. 8046. None of the funds appropriated by this Act*
22 *may be used for the procurement of ball and roller bearings*
23 *other than those produced by a domestic source and of do-*
24 *mestic origin: Provided, That the Secretary of the military*
25 *department responsible for such procurement may waive*

1 *this restriction on a case-by-case basis by certifying in writ-*
2 *ing to the Committees on Appropriations of the House of*
3 *Representatives and the Senate, that adequate domestic*
4 *supplies are not available to meet Department of Defense*
5 *requirements on a timely basis and that such an acquisition*
6 *must be made in order to acquire capability for national*
7 *security purposes: Provided further, That this restriction*
8 *shall not apply to the purchase of “commercial items”, as*
9 *defined by section 4(12) of the Office of Federal Procure-*
10 *ment Policy Act, except that the restriction shall apply to*
11 *ball or roller bearings purchased as end items.*

12 *SEC. 8047. None of the funds in this Act may be used*
13 *to purchase any supercomputer which is not manufactured*
14 *in the United States, unless the Secretary of Defense cer-*
15 *tifies to the congressional defense committees that such an*
16 *acquisition must be made in order to acquire capability for*
17 *national security purposes that is not available from*
18 *United States manufacturers.*

19 *SEC. 8048. None of the funds made available in this*
20 *or any other Act may be used to pay the salary of any*
21 *officer or employee of the Department of Defense who ap-*
22 *proves or implements the transfer of administrative respon-*
23 *sibilities or budgetary resources of any program, project,*
24 *or activity financed by this Act to the jurisdiction of an-*
25 *other Federal agency not financed by this Act without the*

1 *express authorization of Congress: Provided, That this limi-*
2 *tation shall not apply to transfers of funds expressly pro-*
3 *vided for in Defense Appropriations Acts, or provisions of*
4 *Acts providing supplemental appropriations for the De-*
5 *partment of Defense.*

6 *SEC. 8049. (a) Notwithstanding any other provision*
7 *of law, none of the funds available to the Department of*
8 *Defense for the current fiscal year may be obligated or ex-*
9 *pende**d to transfer to another nation or an international*
10 *organization any defense articles or services (other than in-*
11 *telligence services) for use in the activities described in sub-*
12 *section (b) unless the congressional defense committees, the*
13 *Committee on Foreign Affairs of the House of Representa-*
14 *tives, and the Committee on Foreign Relations of the Senate*
15 *are notified 15 days in advance of such transfer.*

16 *(b) This section applies to—*

17 *(1) any international peacekeeping or peace-en-*
18 *forcement operation under the authority of chapter VI*
19 *or chapter VII of the United Nations Charter under*
20 *the authority of a United Nations Security Council*
21 *resolution; and*

22 *(2) any other international peacekeeping, peace-*
23 *enforcement, or humanitarian assistance operation.*

24 *(c) A notice under subsection (a) shall include the fol-*
25 *lowing—*

1 (1) *A description of the equipment, supplies, or*
2 *services to be transferred.*

3 (2) *A statement of the value of the equipment,*
4 *supplies, or services to be transferred.*

5 (3) *In the case of a proposed transfer of equip-*
6 *ment or supplies—*

7 (A) *a statement of whether the inventory re-*
8 *quirements of all elements of the Armed Forces*
9 *(including the reserve components) for the type*
10 *of equipment or supplies to be transferred have*
11 *been met; and*

12 (B) *a statement of whether the items pro-*
13 *posed to be transferred will have to be replaced*
14 *and, if so, how the President proposes to provide*
15 *funds for such replacement.*

16 *SEC. 8050. None of the funds available to the Depart-*
17 *ment of Defense under this Act shall be obligated or ex-*
18 *pended to pay a contractor under a contract with the De-*
19 *partment of Defense for costs of any amount paid by the*
20 *contractor to an employee when—*

21 (1) *such costs are for a bonus or otherwise in ex-*
22 *cess of the normal salary paid by the contractor to the*
23 *employee; and*

24 (2) *such bonus is part of restructuring costs asso-*
25 *ciated with a business combination.*

(INCLUDING TRANSFER OF FUNDS)

1
2 *SEC. 8051. During the current fiscal year, no more*
3 *than \$30,000,000 of appropriations made in this Act under*
4 *the heading “Operation and Maintenance, Defense-Wide”*
5 *may be transferred to appropriations available for the pay*
6 *of military personnel, to be merged with, and to be available*
7 *for the same time period as the appropriations to which*
8 *transferred, to be used in support of such personnel in con-*
9 *nection with support and services for eligible organizations*
10 *and activities outside the Department of Defense pursuant*
11 *to section 2012 of title 10, United States Code.*

12 *SEC. 8052. (a) IN GENERAL.—Service as a member*
13 *of the Alaska Territorial Guard during World War II of*
14 *any individual who was honorably discharged therefrom*
15 *under section 8147 of the Department of Defense Appro-*
16 *priations Act, 2001 (Public Law 106–259; 114 Stat. 705)*
17 *shall be treated as active service for purposes of the com-*
18 *putation under chapter 61, 71, 371, 571, 871, or 1223 of*
19 *title 10, United States Code, as applicable, of the retired*
20 *pay to which such individual may be entitled under title*
21 *10, United States Code.*

22 *(b) APPLICABILITY.—Subsection (a) shall apply with*
23 *respect to amounts of retired pay payable under title 10,*
24 *United States Code, for months beginning on or after the*
25 *date of the enactment of this Act. No retired pay shall be*

1 *paid to any individual by reason of subsection (a) for any*
2 *period before that date.*

3 (c) *WORLD WAR II DEFINED.*—*In this section, the*
4 *term “World War II” has the meaning given that term in*
5 *section 101(8) of title 38, United States Code.*

6 SEC. 8053. (a) *Notwithstanding any other provision*
7 *of law, the Chief of the National Guard Bureau may permit*
8 *the use of equipment of the National Guard Distance Learn-*
9 *ing Project by any person or entity on a space-available,*
10 *reimbursable basis. The Chief of the National Guard Bu-*
11 *reau shall establish the amount of reimbursement for such*
12 *use on a case-by-case basis.*

13 (b) *Amounts collected under subsection (a) shall be*
14 *credited to funds available for the National Guard Distance*
15 *Learning Project and be available to defray the costs associ-*
16 *ated with the use of equipment of the project under that*
17 *subsection. Such funds shall be available for such purposes*
18 *without fiscal year limitation.*

19 SEC. 8054. *Using funds available by this Act or any*
20 *other Act, the Secretary of the Air Force, pursuant to a*
21 *determination under section 2690 of title 10, United States*
22 *Code, may implement cost-effective agreements for required*
23 *heating facility modernization in the Kaiserslautern Mili-*
24 *tary Community in the Federal Republic of Germany: Pro-*
25 *vided, That in the City of Kaiserslautern such agreements*

1 *will include the use of United States anthracite as the base*
2 *load energy for municipal district heat to the United States*
3 *Defense installations: Provided further, That at Landstuhl*
4 *Army Regional Medical Center and Ramstein Air Base,*
5 *furnished heat may be obtained from private, regional or*
6 *municipal services, if provisions are included for the con-*
7 *sideration of United States coal as an energy source.*

8 *SEC. 8055. None of the funds appropriated in title IV*
9 *of this Act may be used to procure end-items for delivery*
10 *to military forces for operational training, operational use*
11 *or inventory requirements: Provided, That this restriction*
12 *does not apply to end-items used in development, proto-*
13 *typing, and test activities preceding and leading to accept-*
14 *ance for operational use: Provided further, That this restric-*
15 *tion does not apply to programs funded within the National*
16 *Intelligence Program: Provided further, That the Secretary*
17 *of Defense may waive this restriction on a case-by-case basis*
18 *by certifying in writing to the Committees on Appropria-*
19 *tions of the House of Representatives and the Senate that*
20 *it is in the national security interest to do so.*

21 *SEC. 8056. None of the funds made available in this*
22 *Act may be used to approve or license the sale of the F-*
23 *22A advanced tactical fighter to any foreign government:*
24 *Provided, That the Department of Defense may conduct or*
25 *participate in studies, research, design and other activities*

1 to define and develop a future export version of the F-22A
2 that protects classified and sensitive information, tech-
3 nologies and U.S. warfighting capabilities.

4 SEC. 8057. (a) The Secretary of Defense may, on a
5 case-by-case basis, waive with respect to a foreign country
6 each limitation on the procurement of defense items from
7 foreign sources provided in law if the Secretary determines
8 that the application of the limitation with respect to that
9 country would invalidate cooperative programs entered into
10 between the Department of Defense and the foreign country,
11 or would invalidate reciprocal trade agreements for the pro-
12 curement of defense items entered into under section 2531
13 of title 10, United States Code, and the country does not
14 discriminate against the same or similar defense items pro-
15 duced in the United States for that country.

16 (b) Subsection (a) applies with respect to—

17 (1) contracts and subcontracts entered into on or
18 after the date of the enactment of this Act; and

19 (2) options for the procurement of items that are
20 exercised after such date under contracts that are en-
21 tered into before such date if the option prices are ad-
22 justed for any reason other than the application of a
23 waiver granted under subsection (a).

24 (c) Subsection (a) does not apply to a limitation re-
25 garding construction of public vessels, ball and roller bear-

1 ings, food, and clothing or textile materials as defined by
2 section 11 (chapters 50–65) of the Harmonized Tariff
3 Schedule and products classified under headings 4010,
4 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through
5 7229, 7304.41 through 7304.49, 7306.40, 7502 through
6 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

7 SEC. 8058. (a) None of the funds made available by
8 this Act may be used to support any training program in-
9 volving a unit of the security forces of a foreign country
10 if the Secretary of Defense has received credible information
11 from the Department of State that the unit has committed
12 a gross violation of human rights, unless all necessary cor-
13 rective steps have been taken.

14 (b) The Secretary of Defense, in consultation with the
15 Secretary of State, shall ensure that prior to a decision to
16 conduct any training program referred to in subsection (a),
17 full consideration is given to all credible information avail-
18 able to the Department of State relating to human rights
19 violations by foreign security forces.

20 (c) The Secretary of Defense, after consultation with
21 the Secretary of State, may waive the prohibition in sub-
22 section (a) if he determines that such waiver is required
23 by extraordinary circumstances.

24 (d) Not more than 15 days after the exercise of any
25 waiver under subsection (c), the Secretary of Defense shall

1 *submit a report to the congressional defense committees de-*
2 *scribing the extraordinary circumstances, the purpose and*
3 *duration of the training program, the United States forces*
4 *and the foreign security forces involved in the training pro-*
5 *gram, and the information relating to human rights viola-*
6 *tions that necessitates the waiver.*

7 *SEC. 8059. None of the funds appropriated or made*
8 *available in this Act to the Department of the Navy shall*
9 *be used to develop, lease or procure the T-AKE class of ships*
10 *unless the main propulsion diesel engines and propulsors*
11 *are manufactured in the United States by a domestically*
12 *operated entity: Provided, That the Secretary of Defense*
13 *may waive this restriction on a case-by-case basis by certi-*
14 *fying in writing to the Committees on Appropriations of*
15 *the House of Representatives and the Senate that adequate*
16 *domestic supplies are not available to meet Department of*
17 *Defense requirements on a timely basis and that such an*
18 *acquisition must be made in order to acquire capability for*
19 *national security purposes or there exists a significant cost*
20 *or quality difference.*

21 *SEC. 8060. None of the funds appropriated or other-*
22 *wise made available by this or other Department of Defense*
23 *Appropriations Acts may be obligated or expended for the*
24 *purpose of performing repairs or maintenance to military*
25 *family housing units of the Department of Defense, includ-*

1 *ing areas in such military family housing units that may*
2 *be used for the purpose of conducting official Department*
3 *of Defense business.*

4 *SEC. 8061. Notwithstanding any other provision of*
5 *law, funds appropriated in this Act under the heading “Re-*
6 *search, Development, Test and Evaluation, Defense-Wide”*
7 *for any new start advanced concept technology demonstra-*
8 *tion project or joint capability demonstration project may*
9 *only be obligated 30 days after a report, including a de-*
10 *scription of the project, the planned acquisition and transi-*
11 *tion strategy and its estimated annual and total cost, has*
12 *been provided in writing to the congressional defense com-*
13 *mittees: Provided, That the Secretary of Defense may waive*
14 *this restriction on a case-by-case basis by certifying to the*
15 *congressional defense committees that it is in the national*
16 *interest to do so.*

17 *SEC. 8062. The Secretary of Defense shall provide a*
18 *classified quarterly report beginning 30 days after enact-*
19 *ment of this Act, to the House and Senate Appropriations*
20 *Committees, Subcommittees on Defense on certain matters*
21 *as directed in the classified annex accompanying this Act.*

22 *SEC. 8063. During the current fiscal year, none of the*
23 *funds available to the Department of Defense may be used*
24 *to provide support to another department or agency of the*
25 *United States if such department or agency is more than*

1 90 days in arrears in making payment to the Department
2 of Defense for goods or services previously provided to such
3 department or agency on a reimbursable basis: Provided,
4 That this restriction shall not apply if the department is
5 authorized by law to provide support to such department
6 or agency on a nonreimbursable basis, and is providing the
7 requested support pursuant to such authority: Provided fur-
8 ther, That the Secretary of Defense may waive this restric-
9 tion on a case-by-case basis by certifying in writing to the
10 Committees on Appropriations of the House of Representa-
11 tives and the Senate that it is in the national security inter-
12 est to do so.

13 SEC. 8064. Notwithstanding section 12310(b) of title
14 10, United States Code, a Reserve who is a member of the
15 National Guard serving on full-time National Guard duty
16 under section 502(f) of title 32, United States Code, may
17 perform duties in support of the ground-based elements of
18 the National Ballistic Missile Defense System.

19 SEC. 8065. None of the funds provided in this Act may
20 be used to transfer to any nongovernmental entity ammuni-
21 tion held by the Department of Defense that has a center-
22 fire cartridge and a United States military nomenclature
23 designation of “armor penetrator”, “armor piercing (AP)”,
24 “armor piercing incendiary (API)”, or “armor-piercing in-
25 cendiary-tracer (API-T)”, except to an entity performing

1 *demilitarization services for the Department of Defense*
2 *under a contract that requires the entity to demonstrate to*
3 *the satisfaction of the Department of Defense that armor*
4 *piercing projectiles are either: (1) rendered incapable of*
5 *reuse by the demilitarization process; or (2) used to manu-*
6 *facture ammunition pursuant to a contract with the De-*
7 *partment of Defense or the manufacture of ammunition for*
8 *export pursuant to a License for Permanent Export of Un-*
9 *classified Military Articles issued by the Department of*
10 *State.*

11 *SEC. 8066. Notwithstanding any other provision of*
12 *law, the Chief of the National Guard Bureau, or his des-*
13 *ignee, may waive payment of all or part of the consider-*
14 *ation that otherwise would be required under section 2667*
15 *of title 10, United States Code, in the case of a lease of*
16 *personal property for a period not in excess of 1 year to*
17 *any organization specified in section 508(d) of title 32,*
18 *United States Code, or any other youth, social, or fraternal*
19 *nonprofit organization as may be approved by the Chief*
20 *of the National Guard Bureau, or his designee, on a case-*
21 *by-case basis.*

22 *SEC. 8067. None of the funds appropriated by this Act*
23 *shall be used for the support of any nonappropriated funds*
24 *activity of the Department of Defense that procures malt*
25 *beverages and wine with nonappropriated funds for resale*

1 *(including such alcoholic beverages sold by the drink) on*
 2 *a military installation located in the United States unless*
 3 *such malt beverages and wine are procured within that*
 4 *State, or in the case of the District of Columbia, within*
 5 *the District of Columbia, in which the military installation*
 6 *is located: Provided, That in a case in which the military*
 7 *installation is located in more than one State, purchases*
 8 *may be made in any State in which the installation is lo-*
 9 *cated: Provided further, That such local procurement re-*
 10 *quirements for malt beverages and wine shall apply to all*
 11 *alcoholic beverages only for military installations in States*
 12 *which are not contiguous with another State: Provided fur-*
 13 *ther, That alcoholic beverages other than wine and malt bev-*
 14 *erages, in contiguous States and the District of Columbia*
 15 *shall be procured from the most competitive source, price*
 16 *and other factors considered.*

17 *SEC. 8068. Funds available to the Department of De-*
 18 *fense for the Global Positioning System during the current*
 19 *fiscal year may be used to fund civil requirements associ-*
 20 *ated with the satellite and ground control segments of such*
 21 *system's modernization program.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 8069. Of the amounts appropriated in this Act*
 24 *under the heading "Operation and Maintenance, Army",*
 25 *\$106,754,000 shall remain available until expended: Pro-*

1 *vided, That notwithstanding any other provision of law, the*
 2 *Secretary of Defense is authorized to transfer such funds*
 3 *to other activities of the Federal Government: Provided fur-*
 4 *ther, That the Secretary of Defense is authorized to enter*
 5 *into and carry out contracts for the acquisition of real*
 6 *property, construction, personal services, and operations re-*
 7 *lated to projects carrying out the purposes of this section:*
 8 *Provided further, That contracts entered into under the au-*
 9 *thority of this section may provide for such indemnification*
 10 *as the Secretary determines to be necessary: Provided fur-*
 11 *ther, That projects authorized by this section shall comply*
 12 *with applicable Federal, State, and local law to the max-*
 13 *imum extent consistent with the national security, as deter-*
 14 *mined by the Secretary of Defense.*

15 *SEC. 8070. Section 8106 of the Department of Defense*
 16 *Appropriations Act, 1997 (titles I through VIII of the mat-*
 17 *ter under subsection 101(b) of Public Law 104–208; 110*
 18 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*
 19 *to apply to disbursements that are made by the Department*
 20 *of Defense in fiscal year 2010.*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 8071. Of the amounts appropriated in this Act*
 23 *under the heading “Research, Development, Test and Eval-*
 24 *uation, Defense-Wide”, \$202,434,000 shall be for the Israeli*
 25 *Cooperative Programs: Provided, That of this amount,*

1 \$80,092,000 shall be for the Short Range Ballistic Missile
2 Defense (SRBMD) program, \$50,036,000 shall be available
3 for an upper-tier component to the Israeli Missile Defense
4 Architecture, and \$72,306,000 shall be for the Arrow Missile
5 Defense Program, of which \$25,000,000 shall be for pro-
6 ducing Arrow missile components in the United States and
7 Arrow missile components in Israel to meet Israel's defense
8 requirements, consistent with each nation's laws, regula-
9 tions and procedures: Provided further, That funds made
10 available under this provision for production of missiles
11 and missile components may be transferred to appropria-
12 tions available for the procurement of weapons and equip-
13 ment, to be merged with and to be available for the same
14 time period and the same purposes as the appropriation
15 to which transferred: Provided further, That the transfer
16 authority provided under this provision is in addition to
17 any other transfer authority contained in this Act.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8072. Of the amounts appropriated in this Act
20 under the heading "Shipbuilding and Conversion, Navy",
21 \$144,950,000 shall be available until September 30, 2010,
22 to fund prior year shipbuilding cost increases: Provided,
23 That upon enactment of this Act, the Secretary of the Navy
24 shall transfer such funds to the following appropriations in
25 the amounts specified: Provided further, That the amounts

1 transferred shall be merged with and be available for the
2 same purposes as the appropriations to which transferred:

3 To:

4 Under the heading “Shipbuilding and Con-
5 version, Navy, 2004/2010”:

6 New SSN, \$26,906,000; and

7 LPD-17 Amphibious Transport Dock
8 Program, \$16,844,000.

9 Under the heading “Shipbuilding and Con-
10 version, Navy, 2005/2010”:

11 New SSN, \$18,702,000; and

12 LPD-17 Amphibious Transport Dock
13 Program, \$16,498,000.

14 Under the heading “Shipbuilding and Con-
15 version, Navy, 2008/2012”:

16 LPD-17 Amphibious Transport Dock
17 Program, \$66,000,000.

18 SEC. 8073. None of the funds available to the Depart-
19 ment of Defense may be obligated to modify command and
20 control relationships to give Fleet Forces Command admin-
21 istrative and operational control of U.S. Navy forces as-
22 signed to the Pacific fleet: Provided, That the command and
23 control relationships which existed on October 1, 2004, shall
24 remain in force unless changes are specifically authorized
25 in a subsequent Act.

1 *SEC. 8074. Notwithstanding any other provision of*
2 *law or regulation, the Secretary of Defense may exercise the*
3 *provisions of section 7403(g) of title 38, United States Code,*
4 *for occupations listed in section 7403(a)(2) of title 38,*
5 *United States Code, as well as the following:*

6 *Pharmacists, Audiologists, Psychologists, Social*
7 *Workers, Othotists/Prosthetists, Occupational Thera-*
8 *pists, Physical Therapists, Rehabilitation Therapists,*
9 *Respiratory Therapists, Speech Pathologists, Dieti-*
10 *tian/Nutritionists, Industrial Hygienists, Psychology*
11 *Technicians, Social Service Assistants, Practical*
12 *Nurses, Nursing Assistants, and Dental Hygienists:*

13 *(A) The requirements of section*
14 *7403(g)(1)(A) of title 38, United States Code,*
15 *shall apply.*

16 *(B) The limitations of section 7403(g)(1)(B)*
17 *of title 38, United States Code, shall not apply.*

18 *SEC. 8075. Funds appropriated by this Act, or made*
19 *available by the transfer of funds in this Act, for intelligence*
20 *activities are deemed to be specifically authorized by the*
21 *Congress for purposes of section 504 of the National Secu-*
22 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2010*
23 *until the enactment of the Intelligence Authorization Act*
24 *for Fiscal Year 2010.*

1 *SEC. 8076. None of the funds provided in this Act shall*
2 *be available for obligation or expenditure through a re-*
3 *programming of funds that creates or initiates a new pro-*
4 *gram, project, or activity unless such program, project, or*
5 *activity must be undertaken immediately in the interest of*
6 *national security and only after written prior notification*
7 *to the congressional defense committees.*

8 *SEC. 8077. In addition to funds made available else-*
9 *where in this Act, \$5,500,000 is hereby appropriated and*
10 *shall remain available until expended to provide assistance,*
11 *by grant or otherwise (such as the provision of funds for*
12 *information technology and textbook purchases, professional*
13 *development for educators, and student transition support)*
14 *to public schools in states that are considered overseas as-*
15 *signments with unusually high concentrations of special*
16 *needs military dependents enrolled: Provided, That up to*
17 *2 percent of the total appropriated funds under this section*
18 *shall be available for the administration and execution of*
19 *the programs and/or events that promote the purpose of this*
20 *appropriation: Provided further, That up to 5 percent of*
21 *the total appropriated funds under this section shall be*
22 *available to public schools that have entered into a military*
23 *partnership: Provided further, That \$1,000,000 shall be*
24 *available for a nonprofit trust fund to assist in the public-*
25 *private funding of public school repair and maintenance*

1 *projects: Provided further, That \$500,000 shall be available*
2 *to fund an ongoing special education support program in*
3 *public schools with unusually high concentrations of active*
4 *duty military dependents enrolled: Provided further, That*
5 *to the extent a Federal agency provides this assistance by*
6 *contract, grant, or otherwise, it may accept and expend*
7 *non-Federal funds in combination with these Federal funds*
8 *to provide assistance for the authorized purpose.*

9 *SEC. 8078. In addition to the amounts appropriated*
10 *or otherwise made available elsewhere in this Act,*
11 *\$50,500,000 is hereby appropriated to the Department of*
12 *Defense: Provided, That the Secretary of Defense shall make*
13 *grants in the amounts specified as follows: \$20,000,000 to*
14 *the Edward M. Kennedy Institute for the Senate;*
15 *\$5,500,000 to the U.S.S. Missouri Memorial Association;*
16 *and \$25,000,000 to the National World War II Museum.*

17 *SEC. 8079. The budget of the President for fiscal year*
18 *2011 submitted to the Congress pursuant to section 1105*
19 *of title 31, United States Code, shall include separate budget*
20 *justification documents for costs of United States Armed*
21 *Forces' participation in contingency operations for the*
22 *Military Personnel accounts, the Operation and Maintenance*
23 *accounts, and the Procurement accounts: Provided,*
24 *That these documents shall include a description of the*
25 *funding requested for each contingency operation, for each*

1 *military service, to include all Active and Reserve compo-*
2 *nents, and for each appropriations account: Provided fur-*
3 *ther, That these documents shall include estimated costs for*
4 *each element of expense or object class, a reconciliation of*
5 *increases and decreases for each contingency operation, and*
6 *programmatic data including, but not limited to, troop*
7 *strength for each Active and Reserve component, and esti-*
8 *mates of the major weapons systems deployed in support*
9 *of each contingency: Provided further, That these documents*
10 *shall include budget exhibits OP-5 and OP-32 (as defined*
11 *in the Department of Defense Financial Management Regu-*
12 *lation) for all contingency operations for the budget year*
13 *and the two preceding fiscal years.*

14 *SEC. 8080. None of the funds in this Act may be used*
15 *for research, development, test, evaluation, procurement or*
16 *deployment of nuclear armed interceptors of a missile de-*
17 *fense system.*

18 *SEC. 8081. None of the funds appropriated or made*
19 *available in this Act shall be used to reduce or disestablish*
20 *the operation of the 53rd Weather Reconnaissance Squad-*
21 *ron of the Air Force Reserve, if such action would reduce*
22 *the WC-130 Weather Reconnaissance mission below the lev-*
23 *els funded in this Act: Provided, That the Air Force shall*
24 *allow the 53rd Weather Reconnaissance Squadron to per-*

1 *form other missions in support of national defense require-*
2 *ments during the non-hurricane season.*

3 *SEC. 8082. None of the funds provided in this Act shall*
4 *be available for integration of foreign intelligence informa-*
5 *tion unless the information has been lawfully collected and*
6 *processed during the conduct of authorized foreign intel-*
7 *ligence activities: Provided, That information pertaining to*
8 *United States persons shall only be handled in accordance*
9 *with protections provided in the Fourth Amendment of the*
10 *United States Constitution as implemented through Execu-*
11 *tive Order No. 12333.*

12 *SEC. 8083. (a) At the time members of reserve compo-*
13 *nents of the Armed Forces are called or ordered to active*
14 *duty under section 12302(a) of title 10, United States Code,*
15 *each member shall be notified in writing of the expected*
16 *period during which the member will be mobilized.*

17 *(b) The Secretary of Defense may waive the require-*
18 *ments of subsection (a) in any case in which the Secretary*
19 *determines that it is necessary to do so to respond to a na-*
20 *tional security emergency or to meet dire operational re-*
21 *quirements of the Armed Forces.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 8084. The Secretary of Defense may transfer*
24 *funds from any available Department of the Navy appro-*
25 *priation to any available Navy ship construction appro-*

1 priation for the purpose of liquidating necessary changes
2 resulting from inflation, market fluctuations, or rate adjust-
3 ments for any ship construction program appropriated in
4 law: Provided, That the Secretary may transfer not to ex-
5 ceed \$100,000,000 under the authority provided by this sec-
6 tion: Provided further, That the Secretary may not transfer
7 any funds until 30 days after the proposed transfer has been
8 reported to the Committees on Appropriations of the House
9 of Representatives and the Senate, unless a response from
10 the Committees is received sooner: Provided further, That
11 the transfer authority provided by this section is in addi-
12 tion to any other transfer authority contained elsewhere in
13 this Act.

14 SEC. 8085. For purposes of section 612 of title 41,
15 United States Code, any subdivision of appropriations
16 made under the heading “Shipbuilding and Conversion,
17 Navy” that is not closed at the time reimbursement is made
18 shall be available to reimburse the Judgment Fund and
19 shall be considered for the same purposes as any subdivision
20 under the heading “Shipbuilding and Conversion, Navy”
21 appropriations in the current fiscal year or any prior fiscal
22 year.

23 SEC. 8086. (a) None of the funds appropriated by this
24 Act may be used to transfer research and development, ac-

1 *quisition, or other program authority relating to current*
2 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

3 *(b) The Army shall retain responsibility for and oper-*
4 *ational control of the MQ-1C Sky Warrior Unmanned Aer-*
5 *ial Vehicle (UAV) in order to support the Secretary of De-*
6 *fense in matters relating to the employment of unmanned*
7 *aerial vehicles.*

8 *SEC. 8087. Of the funds provided in this Act,*
9 *\$10,000,000 shall be available for the operations and devel-*
10 *opment of training and technology for the Joint Inter-*
11 *agency Training and Education Center and the affiliated*
12 *Center for National Response at the Memorial Tunnel and*
13 *for providing homeland defense/security and traditional*
14 *warfighting training to the Department of Defense, other*
15 *Federal agencies, and State and local first responder per-*
16 *sonnel at the Joint Interagency Training and Education*
17 *Center.*

18 *SEC. 8088. Notwithstanding any other provision of*
19 *law or regulation, the Secretary of Defense may adjust wage*
20 *rates for civilian employees hired for certain health care*
21 *occupations as authorized for the Secretary of Veterans Af-*
22 *fairs by section 7455 of title 38, United States Code.*

23 *SEC. 8089. Up to \$16,000,000 of the funds appro-*
24 *priated under the heading “Operation and Maintenance,*
25 *Navy” may be made available for the Asia Pacific Regional*

1 *Initiative Program for the purpose of enabling the Pacific*
2 *Command to execute Theater Security Cooperation activi-*
3 *ties such as humanitarian assistance, and payment of in-*
4 *cremental and personnel costs of training and exercising*
5 *with foreign security forces: Provided, That funds made*
6 *available for this purpose may be used, notwithstanding*
7 *any other funding authorities for humanitarian assistance,*
8 *security assistance or combined exercise expenses: Provided*
9 *further, That funds may not be obligated to provide assist-*
10 *ance to any foreign country that is otherwise prohibited*
11 *from receiving such type of assistance under any other pro-*
12 *vision of law.*

13 *SEC. 8090. None of the funds appropriated by this Act*
14 *for programs of the Office of the Director of National Intel-*
15 *ligence shall remain available for obligation beyond the cur-*
16 *rent fiscal year, except for funds appropriated for research*
17 *and technology, which shall remain available until Sep-*
18 *tember 30, 2011.*

19 *SEC. 8091. Notwithstanding any other provision of*
20 *this Act, to reflect savings from revised economic assump-*
21 *tions, the total amount appropriated in title II of this Act*
22 *is hereby reduced by \$294,000,000, the total amount appro-*
23 *priated in title III of this Act is hereby reduced by*
24 *\$322,000,000, the total amount appropriated in title IV of*
25 *this Act is hereby reduced by \$236,000,000, and the total*

1 *amount appropriated in title V of this Act is hereby reduced*
2 *by \$9,000,000: Provided, That the Secretary of Defense shall*
3 *allocate this reduction proportionally to each budget activ-*
4 *ity, activity group, subactivity group, and each program,*
5 *project, and activity, within each appropriation account.*

6 *SEC. 8092. For purposes of section 1553(b) of title 31,*
7 *United States Code, any subdivision of appropriations*
8 *made in this Act under the heading “Shipbuilding and*
9 *Conversion, Navy” shall be considered to be for the same*
10 *purpose as any subdivision under the heading “Ship-*
11 *building and Conversion, Navy” appropriations in any*
12 *prior fiscal year, and the 1 percent limitation shall apply*
13 *to the total amount of the appropriation.*

14 *SEC. 8093. Notwithstanding any other provision of*
15 *law, that not more than 35 percent of funds provided in*
16 *this Act for environmental remediation may be obligated*
17 *under indefinite delivery/indefinite quantity contracts with*
18 *a total contract value of \$130,000,000 or higher.*

19 *SEC. 8094. The Director of National Intelligence shall*
20 *include the budget exhibits identified in paragraphs (1) and*
21 *(2) as described in the Department of Defense Financial*
22 *Management Regulation with the congressional budget jus-*
23 *tification books.*

24 *(1) For procurement programs requesting more*
25 *than \$20,000,000 in any fiscal year, the P-1, Pro-*

1 *curement Program; P-5, Cost Analysis; P-5a, Pro-*
2 *curement History and Planning; P-21, Production*
3 *Schedule; and P-40 Budget Item Justification.*

4 (2) *For research, development, test and evalua-*
5 *tion projects requesting more than \$10,000,000 in*
6 *any fiscal year, the R-1, RDT&E Program; R-2,*
7 *RDT&E Budget Item Justification; R-3, RDT&E*
8 *Project Cost Analysis; and R-4, RDT&E Program*
9 *Schedule Profile.*

10 *SEC. 8095. None of the funds made available in this*
11 *Act may be used in contravention of the following laws en-*
12 *acted or regulations promulgated to implement the United*
13 *Nations Convention Against Torture and Other Cruel, In-*
14 *human or Degrading Treatment or Punishment (done at*
15 *New York on December 10, 1984):*

16 (1) *Section 2340A of title 18, United States*
17 *Code.*

18 (2) *Section 2242 of the Foreign Affairs Reform*
19 *and Restructuring Act of 1998 (division G of Public*
20 *Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231*
21 *note) and regulations prescribed thereto, including*
22 *regulations under part 208 of title 8, Code of Federal*
23 *Regulations, and part 95 of title 22, Code of Federal*
24 *Regulations.*

1 (3) *Sections 1002 and 1003 of the Department of*
2 *Defense, Emergency Supplemental Appropriations to*
3 *Address Hurricanes in the Gulf of Mexico, and Pan-*
4 *demic Influenza Act, 2006 (Public Law 109–148).*

5 *SEC. 8096. (a) Not later than 60 days after enactment*
6 *of this Act, the Office of the Director of National Intelligence*
7 *shall submit a report to the congressional intelligence com-*
8 *mittees to establish the baseline for application of re-*
9 *programming and transfer authorities for fiscal year 2010:*
10 *Provided, That the report shall include—*

11 (1) *a table for each appropriation with a sepa-*
12 *rate column to display the President’s budget request,*
13 *adjustments made by Congress, adjustments due to*
14 *enacted rescissions, if appropriate, and the fiscal year*
15 *enacted level;*

16 (2) *a delineation in the table for each appropria-*
17 *tion by Expenditure Center and project; and*

18 (3) *an identification of items of special congres-*
19 *sional interest.*

20 (b) *None of the funds provided for the National Intel-*
21 *ligence Program in this Act shall be available for re-*
22 *programming or transfer until the report identified in sub-*
23 *section (a) is submitted to the congressional intelligence*
24 *committees, unless the Director of National Intelligence cer-*
25 *tifies in writing to the congressional intelligence committees*

1 *that such reprogramming or transfer is necessary as an*
2 *emergency requirement.*

3 *SEC. 8097. The Director of National Intelligence shall*
4 *submit to Congress each year, at or about the time that*
5 *the President's budget is submitted to Congress that year*
6 *under section 1105(a) of title 31, United States Code, a fu-*
7 *ture-years intelligence program (including associated an-*
8 *nexes) reflecting the estimated expenditures and proposed*
9 *appropriations included in that budget. Any such future-*
10 *years intelligence program shall cover the fiscal year with*
11 *respect to which the budget is submitted and at least the*
12 *four succeeding fiscal years.*

13 *SEC. 8098. For the purposes of this Act, the term "con-*
14 *gressional intelligence committees" means the Permanent*
15 *Select Committee on Intelligence of the House of Represent-*
16 *atives, the Select Committee on Intelligence of the Senate,*
17 *the Subcommittee on Defense of the Committee on Appro-*
18 *priations of the House of Representatives, and the Sub-*
19 *committee on Defense of the Committee on Appropriations*
20 *of the Senate.*

21 *SEC. 8099. The Department of Defense shall continue*
22 *to report incremental contingency operations costs for Oper-*
23 *ation Iraqi Freedom and Operation Enduring Freedom on*
24 *a monthly basis in the Cost of War Execution Report as*
25 *prescribed in the Department of Defense Financial Manage-*

1 *ment Regulation Department of Defense Instruction*
2 *7000.14, Volume 12, Chapter 23 “Contingency Operations”,*
3 *Annex 1, dated September 2005.*

4 *SEC. 8100. The amounts appropriated in title II of*
5 *this Act are hereby reduced by \$500,000,000 to reflect excess*
6 *cash balances in Department of Defense Working Capital*
7 *Funds, as follows:*

8 *From “Operation and Maintenance, Air Force”,*
9 *\$500,000,000.*

10 *SEC. 8101. During the current fiscal year, not to ex-*
11 *ceed \$10,000,000 from each of the appropriations made in*
12 *title III of this Act for “Operation and Maintenance,*
13 *Army”, “Operation and Maintenance, Navy”, and “Oper-*
14 *ation and Maintenance, Air Force” may be transferred by*
15 *the military department concerned to its central fund estab-*
16 *lished for Fisher Houses and Suites pursuant to section*
17 *2493(d) of title 10, United States Code.*

18 *SEC. 8102. Of the funds appropriated in the Intel-*
19 *ligence Community Management Account for the Program*
20 *Manager for the Information Sharing Environment,*
21 *\$24,000,000 is available for transfer by the Director of Na-*
22 *tional Intelligence to other departments and agencies for*
23 *purposes of Government-wide information sharing activi-*
24 *ties: Provided, That funds transferred under this provision*
25 *are to be merged with and available for the same purposes*

1 *and time period as the appropriation to which transferred:*

2 *Provided further, That the Office of Management and Budg-*

3 *et must approve any transfers made under this provision.*

4 *SEC. 8103. Funds appropriated by this Act for oper-*

5 *ation and maintenance shall be available for the purpose*

6 *of making remittances to the Defense Acquisition Workforce*

7 *Development Fund in accordance with the requirements of*

8 *section 1705 of title 10, United States Code.*

9 *TITLE IX*

10 *OVERSEAS CONTINGENCY OPERATIONS*

11 *MILITARY PERSONNEL*

12 *MILITARY PERSONNEL, ARMY*

13 *For an additional amount for “Military Personnel,*

14 *Army”, \$9,597,340,000.*

15 *MILITARY PERSONNEL, NAVY*

16 *For an additional amount for “Military Personnel,*

17 *Navy”, \$1,175,601,000.*

18 *MILITARY PERSONNEL, MARINE CORPS*

19 *For an additional amount for “Military Personnel,*

20 *Marine Corps”, \$670,722,000.*

21 *MILITARY PERSONNEL, AIR FORCE*

22 *For an additional amount for “Military Personnel,*

23 *Air Force”, \$1,445,376,000.*

1 *RESERVE PERSONNEL, ARMY*

2 *For an additional amount for “Reserve Personnel,*
3 *Army”, \$293,637,000.*

4 *RESERVE PERSONNEL, NAVY*

5 *For an additional amount for “Reserve Personnel,*
6 *Navy”, \$37,040,000.*

7 *RESERVE PERSONNEL, MARINE CORPS*

8 *For an additional amount for “Reserve Personnel, Ma-*
9 *rine Corps”, \$31,337,000.*

10 *RESERVE PERSONNEL, AIR FORCE*

11 *For an additional amount for “Reserve Personnel, Air*
12 *Force”, \$19,822,000.*

13 *NATIONAL GUARD PERSONNEL, ARMY*

14 *For an additional amount for “National Guard Per-*
15 *sonnel, Army”, \$824,966,000.*

16 *NATIONAL GUARD PERSONNEL, AIR FORCE*

17 *For an additional amount for “National Guard Per-*
18 *sonnel, Air Force”, \$9,500,000.*

19 *OPERATION AND MAINTENANCE*

20 *OPERATION AND MAINTENANCE, ARMY*

21 *For an additional amount for “Operation and Mainte-*
22 *nance, Army”, \$51,928,167,000.*

23 *OPERATION AND MAINTENANCE, NAVY*

24 *For an additional amount for “Operation and Mainte-*
25 *nance, Navy”, \$5,899,597,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Marine Corps”, \$3,775,270,000.*

4 *OPERATION AND MAINTENANCE, AIR FORCE*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Air Force”, \$9,929,868,000.*

7 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

8 *For an additional amount for “Operation and Mainte-*
9 *nance, Defense-Wide”, \$7,550,900,000, of which:*

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

14 *(2) Not to exceed \$1,600,000,000, to remain*
15 *available until expended, for payments to reimburse*
16 *key cooperating nations for logistical, military, and*
17 *other support, including access provided to United*
18 *States military operations in support of Operation*
19 *Iraqi Freedom and Operation Enduring Freedom,*
20 *notwithstanding any other provision of law: Provided,*
21 *That such reimbursement payments may be made in*
22 *such amounts as the Secretary of Defense, with the*
23 *concurrence of the Secretary of State, and in con-*
24 *sultation with the Director of the Office of Manage-*
25 *ment and Budget, may determine, in his discretion,*

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

18 *OPERATION AND MAINTENANCE, ARMY RESERVE*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Army Reserve”, \$234,898,000.*

21 *OPERATION AND MAINTENANCE, NAVY RESERVE*

22 *For an additional amount for “Operation and Mainte-*
23 *nance, Navy Reserve”, \$68,059,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

2 *For an additional amount for “Operation and Mainte-*
 3 *nance, Marine Corps Reserve”, \$86,667,000.*

4 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

5 *For an additional amount for “Operation and Mainte-*
 6 *nance, Air Force Reserve”, \$125,925,000.*

7 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

8 *For an additional amount for “Operation and Mainte-*
 9 *nance, Army National Guard”, \$450,246,000.*

10 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

11 *For an additional amount for “Operation and Mainte-*
 12 *nance, Air National Guard”, \$289,862,000.*

13 *AFGHANISTAN SECURITY FORCES FUND*

14 *For the “Afghanistan Security Forces Fund”,*
 15 *\$6,562,769,000, to remain available until September 30,*
 16 *2011: Provided, That such funds shall be available to the*
 17 *Secretary of Defense, notwithstanding any other provision*
 18 *of law, for the purpose of allowing the Commander, Com-*
 19 *bined Security Transition Command—Afghanistan, or the*
 20 *Secretary’s designee, to provide assistance, with the concur-*
 21 *rence of the Secretary of State, to the security forces of Af-*
 22 *ghanistan, including the provision of equipment, supplies,*
 23 *services, training, facility and infrastructure repair, ren-*
 24 *ovation, and construction, and funding: Provided further,*
 25 *That the authority to provide assistance under this heading*

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

15 *PROCUREMENT*

16 *AIRCRAFT PROCUREMENT, ARMY*

17 *For an additional amount for “Aircraft Procurement,*
18 *Army”, \$1,119,319,000, to remain available until Sep-*
19 *tember 30, 2012.*

20 *MISSILE PROCUREMENT, ARMY*

21 *For an additional amount for “Missile Procurement,*
22 *Army”, \$475,954,000, to remain available until September*
23 *30, 2012.*

1 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
2 *VEHICLES, ARMY*

3 *For an additional amount for “Procurement of Weap-*
4 *ons and Tracked Combat Vehicles, Army”, \$875,866,000, to*
5 *remain available until September 30, 2012.*

6 *PROCUREMENT OF AMMUNITION, ARMY*

7 *For an additional amount for “Procurement of Am-*
8 *munition, Army”, \$365,635,000, to remain available until*
9 *September 30, 2012.*

10 *OTHER PROCUREMENT, ARMY*

11 *For an additional amount for “Other Procurement,*
12 *Army”, \$4,874,176,000, to remain available until Sep-*
13 *tember 30, 2012.*

14 *AIRCRAFT PROCUREMENT, NAVY*

15 *For an additional amount for “Aircraft Procurement,*
16 *Navy”, \$1,342,577,000, to remain available until Sep-*
17 *tember 30, 2012.*

18 *WEAPONS PROCUREMENT, NAVY*

19 *For an additional amount for “Weapons Procurement,*
20 *Navy”, \$50,700,000, to remain available until September*
21 *30, 2012.*

6 *OTHER PROCUREMENT, NAVY*

10 *PROCUREMENT, MARINE CORPS*

14 *AIRCRAFT PROCUREMENT, AIR FORCE*18 *MISSILE PROCUREMENT, AIR FORCE*

22 *PROCUREMENT OF AMMUNITION, AIR FORCE*

23 *For an additional amount for “Procurement of Am-*
24 *munition, Air Force”, \$256,819,000, to remain available*
25 *until September 30, 2012.*

1 *OTHER PROCUREMENT, AIR FORCE*

2 *For an additional amount for “Other Procurement,*
3 *Air Force”, \$3,138,021,000, to remain available until Sep-*
4 *tember 30, 2012.*

5 *PROCUREMENT, DEFENSE-WIDE*

6 *For an additional amount for “Procurement, Defense-*
7 *Wide”, \$480,780,000, to remain available until September*
8 *30, 2012.*

9 *MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the Mine Resistant Ambush Protected Vehicle*
12 *Fund, \$6,656,000,000, to remain available until September*
13 *30, 2011: Provided, That such funds shall be available to*
14 *the Secretary of Defense, notwithstanding any other provi-*
15 *sion of law, to procure, sustain, transport, and field Mine*
16 *Resistant Ambush Protected vehicles: Provided further, That*
17 *the Secretary shall transfer such funds only to appropria-*
18 *tions for operation and maintenance; procurement; re-*
19 *search, development, test and evaluation; and defense work-*
20 *ing capital funds to accomplish the purpose provided here-*
21 *in: Provided further, That this transfer authority is in ad-*
22 *dition to any other transfer authority available to the De-*
23 *partment of Defense: Provided further, That the Secretary*
24 *shall, not fewer than 10 days prior to making transfers*

1 *from this appropriation, notify the congressional defense*
2 *committees in writing of the details of any such transfer.*

3 *RESEARCH, DEVELOPMENT, TEST AND*
4 *EVALUATION*

5 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

6 *For an additional amount for “Research, Develop-*
7 *ment, Test and Evaluation, Army”, \$57,962,000, to remain*
8 *available until September 30, 2011.*

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

10 *For an additional amount for “Research, Develop-*
11 *ment, Test and Evaluation, Navy”, \$84,180,000, to remain*
12 *available until September 30, 2011.*

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

15 *For an additional amount for “Research, Develop-*
16 *ment, Test and Evaluation, Air Force”, \$39,286,000, to re-*
17 *main available until September 30, 2011.*

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

20 *For an additional amount for “Research, Develop-*
21 *ment, Test and Evaluation, Defense-Wide”, \$112,196,000,*
22 *to remain available until September 30, 2011.*

1 *REVOLVING AND MANAGEMENT FUNDS*

2 *DEFENSE WORKING CAPITAL FUNDS*

3 *For an additional amount for “Defense Working Cap-*
4 *ital Funds”, \$412,215,000.*

5 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

6 *DEFENSE HEALTH PROGRAM*

7 *For an additional amount for “Defense Health Pro-*
8 *gram”, \$1,563,675,000, which shall be for operation and*
9 *maintenance.*

10 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES*

11 *For an additional amount for “Drug Interdiction and*
12 *Counter-Drug Activities”, \$353,603,000, to remain avail-*
13 *able until September 30, 2011.*

14 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For the “Joint Improvised Explosive Device Defeat*
17 *Fund”, \$2,033,560,000, to remain available until Sep-*
18 *tember 30, 2012: Provided, That such funds shall be avail-*
19 *able to the Secretary of Defense, notwithstanding any other*
20 *provision of law, for the purpose of allowing the Director*
21 *of the Joint Improvised Explosive Device Defeat Organiza-*
22 *tion to investigate, develop and provide equipment, sup-*
23 *plies, services, training, facilities, personnel and funds to*
24 *assist United States forces in the defeat of improvised explo-*
25 *sive devices: Provided further, That within 60 days of the*

1 enactment of this Act, a plan for the intended management
2 and use of the amounts provided under this heading shall
3 be submitted to the congressional defense committees: Pro-
4 vided further, That the Secretary of Defense shall submit
5 a report not later than 60 days after the end of each fiscal
6 quarter to the congressional defense committees providing
7 assessments of the evolving threats, individual service re-
8 quirements to counter the threats, the current strategy for
9 predeployment training of members of the Armed Forces on
10 improvised explosive devices, and details on the execution
11 of this Fund: Provided further, That the Secretary of De-
12 fense may transfer funds provided herein to appropriations
13 for operation and maintenance; procurement; research, de-
14 velopment, test and evaluation; and defense working capital
15 funds to accomplish the purpose provided herein: Provided
16 further, That amounts transferred shall be merged with and
17 available for the same purposes and time period as the ap-
18 propriations to which transferred: Provided further, That
19 this transfer authority is in addition to any other transfer
20 authority available to the Department of Defense: Provided
21 further, That the Secretary of Defense shall, not fewer than
22 15 days prior to making transfers from this appropriation,
23 notify the congressional defense committees in writing of
24 the details of any such transfer.

1 *OFFICE OF THE INSPECTOR GENERAL*

2 *For an additional amount for the “Office of the Inspec-*
3 *tor General”, \$8,876,000.*

4 *GENERAL PROVISIONS—THIS TITLE*

5 *SEC. 9001. Notwithstanding any other provision of*
6 *law, funds made available in this title are in addition to*
7 *amounts appropriated or otherwise made available for the*
8 *Department of Defense for fiscal year 2010.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 9002. Upon the determination of the Secretary*
11 *of Defense that such action is necessary in the national in-*
12 *terest, the Secretary may, with the approval of the Office*
13 *of Management and Budget, transfer up to \$4,000,000,000*
14 *between the appropriations or funds made available to the*
15 *Department of Defense in this title: Provided, That the Sec-*
16 *retary shall notify the Congress promptly of each transfer*
17 *made pursuant to the authority in this section: Provided*
18 *further, That the authority provided in this section is in*
19 *addition to any other transfer authority available to the*
20 *Department of Defense and is subject to the same terms and*
21 *conditions as the authority provided in the Department of*
22 *Defense Appropriations Act, 2010: Provided further, That*
23 *the amount in this section is designated as being for over-*
24 *seas deployments and other activities pursuant to sections*
25 *401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Con-*

1 gress), the concurrent resolution on the budget for fiscal year
2 2010.

3 SEC. 9003. Supervision and administration costs asso-
4 ciated with a construction project funded with appropria-
5 tions available for operation and maintenance or the “Af-
6 ghanistan Security Forces Fund” provided in this Act and
7 executed in direct support of overseas contingency oper-
8 ations in Afghanistan, may be obligated at the time a con-
9 struction contract is awarded: Provided, That for the pur-
10 pose of this section, supervision and administration costs
11 include all in-house Government costs.

12 SEC. 9004. From funds made available in this title,
13 the Secretary of Defense may purchase for use by military
14 and civilian employees of the Department of Defense in Iraq
15 and Afghanistan: (a) passenger motor vehicles up to a limit
16 of \$75,000 per vehicle and (b) heavy and light armored ve-
17 hicles for the physical security of personnel or for force pro-
18 tection purposes up to a limit of \$250,000 per vehicle, not-
19 withstanding price or other limitations applicable to the
20 purchase of passenger carrying vehicles.

21 SEC. 9005. Not to exceed \$1,200,000,000 of the amount
22 appropriated in this title under the heading “Operation
23 and Maintenance, Army” may be used, notwithstanding
24 any other provision of law, to fund the Commander’s Emer-
25 gency Response Program, for the purpose of enabling mili-

1 tary commanders in Iraq and Afghanistan to respond to
2 urgent humanitarian relief and reconstruction require-
3 ments within their areas of responsibility: Provided, That
4 not later than 15 days after the end of each fiscal year quar-
5 ter, the Secretary of Defense shall submit to the congres-
6 sional defense committees a report regarding the source of
7 funds and the allocation and use of funds during that quar-
8 ter that were made available pursuant to the authority pro-
9 vided in this section or under any other provision of law
10 for the purposes described herein.

11 *SEC. 9006. Funds available to the Department of De-*
12 *fense for operation and maintenance may be used, notwith-*
13 *standing any other provision of law, to provide supplies,*
14 *services, transportation, including airlift and sealift, and*
15 *other logistical support to coalition forces supporting mili-*
16 *tary and stability operations in Iraq and Afghanistan: Pro-*
17 *vided, That the Secretary of Defense shall provide quarterly*
18 *reports to the congressional defense committees regarding*
19 *support provided under this section.*

20 *SEC. 9007. Each amount in this title is designated as*
21 *being for overseas deployments and other activities pursu-*
22 *ant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13*
23 *(111th Congress), the concurrent resolution on the budget*
24 *for fiscal year 2010.*

1 *SEC. 9008. None of the funds appropriated or other-*
2 *wise made available by this or any other Act shall be obli-*
3 *gated or expended by the United States Government for a*
4 *purpose as follows:*

5 *(1) To establish any military installation or base*
6 *for the purpose of providing for the permanent sta-*
7 *tioning of United States Armed Forces in Iraq.*

8 *(2) To exercise United States control over any*
9 *oil resource of Iraq.*

10 *(3) To establish any military installation or base*
11 *for the purpose of providing for the permanent sta-*
12 *tioning of United States Armed Forces in Afghani-*
13 *stan.*

14 *SEC. 9009. (a) The Director of the Office of Manage-*
15 *ment and Budget, in consultation with the Secretary of De-*
16 *fense; the Commander of the United States Central Com-*
17 *mand; the Commander, Multi-National Security Transition*
18 *Command—Iraq; and the Commander, Combined Security*
19 *Transition Command—Afghanistan, shall submit to the*
20 *congressional defense committees not later than 45 days*
21 *after the end of each fiscal quarter a report on the proposed*
22 *use of all funds appropriated by this or any prior Act under*
23 *each of the headings “Iraq Security Forces Fund”, “Afghan-*
24 *istan Security Forces Fund”, and “Pakistan Counterinsur-*
25 *gency Fund” on a project-by-project basis, for which the*

1 obligation of funds is anticipated during the 3-month pe-
2 riod from such date, including estimates by the commanders
3 referred to in this section of the costs required to complete
4 each such project.

5 (b) The report required by this subsection shall include
6 the following:

7 (1) The use of all funds on a project-by-project
8 basis for which funds appropriated under the head-
9 ings referred to in subsection (a) were obligated prior
10 to the submission of the report, including estimates by
11 the commanders referred to in subsection (a) of the
12 costs to complete each project.

13 (2) The use of all funds on a project-by-project
14 basis for which funds were appropriated under the
15 headings referred to in subsection (a) in prior appro-
16 priations Acts, or for which funds were made avail-
17 able by transfer, reprogramming, or allocation from
18 other headings in prior appropriations Acts, includ-
19 ing estimates by the commanders referred to in sub-
20 section (a) of the costs to complete each project.

21 (3) An estimated total cost to train and equip
22 the Iraq, Afghanistan, and Pakistan security forces,
23 disaggregated by major program and sub-elements by
24 force, arrayed by fiscal year.

1 (c) *The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or*
 2 *transfers of funds between sub-activity groups in excess of*
 3 *\$20,000,000 using funds appropriated by this or any prior*
 4 *Act under the headings “Iraq Security Forces Fund”, “Af-*
 5 *ghanistan Security Forces Fund”, and “Pakistan Counter-*
 6 *insurgency Fund”.*

8 SEC. 9010. (a) *None of the funds appropriated or otherwise made available by this Act or any prior Act may*
 9 *be used to transfer, release, or incarcerate any individual*
 10 *who was detained as of October 1, 2009, at Naval Station,*
 11 *Guantanamo Bay, Cuba, to or within the United States*
 12 *or its territories.*

14 (b) *In this section, the term “United States” means*
 15 *the several States and the District of Columbia.*

16 SEC. 9011. *In addition to amounts made available*
 17 *elsewhere in this title there is hereby appropriated*
 18 *\$329,000,000 for the purchase of fuel to the following ac-*
 19 *counts in the specified amounts:*

20 *“Operation and Maintenance, Army”,*
 21 *\$83,552,000;*

22 *“Operation and Maintenance, Navy”,*
 23 *\$33,889,000;*

24 *“Operation and Maintenance, Marine Corps”,*
 25 *\$1,619,000;*

1 *“Operation and Maintenance, Air Force”,*
2 \$179,191,000;

3 *“Operation and Maintenance, Army Reserve”,*
4 \$8,567,000;

5 *“Operation and Maintenance, Navy Reserve”,*
6 \$3,007,000;

7 *“Operation and Maintenance, Marine Corps Re-*
8 *serve”, \$39,000; and*

9 *“Operation and Maintenance, Army National*
10 *Guard”, \$19,136,000.*

11 *This Act may be cited as the “Department of Defense*
12 *Appropriations Act, 2010”.*

Calendar No. 159

11TH CONGRESS
1ST Session

H. R. 3326

[Report No. 111-74]

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AUGUST 3, 2009

Received; read twice and referred to the Committee on
Appropriations

SEPTEMBER 10, 2009

Reported with an amendment