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 Representatives of the United States of America in Congress assembled,

2 That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:
TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); cadets; and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note); and to the Department of Defense Military Retirement Fund, $39,901,547,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere); midshipmen; and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377,
as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,095,581,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits; gratuities; permanent change of station travel (including all expenses thereof for organizational movements); and expenses of temporary duty travel between permanent duty stations; for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,528,845,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits; gratuities; permanent change of station travel (including all expenses thereof for organizational movements); and expenses of temporary duty travel between permanent duty stations; for members of the Air Force on active duty (except members of reserve components provided for elsewhere); cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note); and to the Depart-
ment of Defense Military Retirement Fund, $25,938,850,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code; or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,308,513,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code; in connection with performing duty specified in section 12310(a) of title 10, United States Code; or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title
1. United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,918,111,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code; or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code; or while undergoing reserve training, or while performing drills or equivalent duty; and for members of the Marine Corps platoon leaders class; and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $610,580,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code; or while serving on active duty under section 12301(d) of title 10, United States Code; in connection with performing duty specified in section 12310(a) of title 10, United States Code; or
while undergoing reserve training, or while performing
drills or equivalent duty or other duty, and expenses au-
thorized by section 16131 of title 10, United States Code;
and for payments to the Department of Defense Military
Retirement Fund, $1,600,462,000.

NATIONAL GUARD PERSONNEL, ARMY

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

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Air Na-
tional Guard on duty under section 10211, 10305, or
12402 of title 10 or section 708 of title 32, United States
Code, or while serving on duty under section 12301(d) of
title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code; or while undergoing training; or while performing drills or equivalent duty or other duty; and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,949,899,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,454,152,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or author-
ity of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $34,885,932,000 (increased by $1,000,000) (reduced by $1,000,000). *Provided,* That $60,199,000 shall be made available for the Joint POW/MIA Accounting Command.

**Operation and Maintenance, Marine Corps**

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

**Operation and Maintenance, Air Force**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $33,785,349,000.

**Operation and Maintenance, Defense-Wide**

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $27,929,377,000. *Provided,* That not more than $50,000,000 may be used
for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code. Provided further, That of the funds provided under this heading, not less than $29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D). Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

**OPERATION AND MAINTENANCE, ARMY RESERVE**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,621,196,000.

**OPERATION AND MAINTENANCE, NAVY RESERVE**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, or-
ganization, and administration, of the Navy Reserve; re-
pair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $1,280,001,000.

Operation and Maintenance, Marine Corps Reserve

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

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Air Force Reserve;
repair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $3,079,228,000.
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty; for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,353,627,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things; hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair,
modification, maintenance, and issue of supplies and
equipment, including those furnished from stocks under
the control of agencies of the Department of Defense;
travel expenses (other than mileage) on the same basis as
authorized by law for Air National Guard personnel on
active Federal duty, for Air National Guard commanders
while inspecting units in compliance with National Guard
Bureau regulations when specifically authorized by the
Chief, National Guard Bureau, $5,888,741,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED
Forces
For salaries and expenses necessary for the United
States Court of Appeals for the Armed Forces,
$13,932,000, of which not to exceed $5,000 may be used
for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)
For the Department of the Army, $415,864,000, to
remain available until transferred. Provided, That the Sec-
tary of the Army shall, upon determining that such
funds are required for environmental restoration, reduc-
tion and recycling of hazardous waste, removal of unsafe
buildings and debris of the Department of the Army, or
for similar purposes, transfer the funds made available by
this appropriation to other appropriations made available
to the Department of the Army, 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 upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such
amounts may be transferred back to this appropriation:

Provided further, That the transfer authority provided
under this heading is in addition to any other transfer au-
thority provided elsewhere in this Act:

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $285,869,000, to
remain available until transferred: Provided, That the Sec-
retary of the Navy shall, upon determining that such
funds are required for environmental restoration, reduc-
tion and recycling of hazardous waste, removal of unsafe
buildings and debris of the Department of the Navy, or
for similar purposes, transfer the funds made available by
this appropriation to other appropriations made available
to the Department of the Navy, 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 upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such
amounts may be transferred back to this appropriation:

Provided further, That the transfer authority provided
under this heading is in addition to any other transfer au-

thority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $494,276,000,
to remain available until transferred: Provided, That the
Secretary of the Air Force shall, upon determining that
such funds are required for environmental restoration, re-
duction and recycling of hazardous waste; removal of un-
safe buildings and debris of the Department of the Air
Force, or for similar purposes, transfer the funds made
available by this appropriation to other appropriations
made available to the Department of the Air Force, 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 upon a deter-
mination that all or part of the funds transferred from
this appropriation are not necessary for the purposes pro-
vided herein, such amounts may be transferred back to
this appropriation: Provided further, That the transfer au-
thority provided under this heading is in addition to any
other transfer authority provided elsewhere in this Act.
ENVIRONMENTAL RESTORATION, DEFENSE WIDE
(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, FORMERLY USED
DEFENSE SITES
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $277,700,000, to
remain available until transferred: Provided, That the Sec-
retary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, 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 upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation. Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $109,869,000, to remain available until September 30, 2011.
Cooperative Threat Reduction Account

For assistance to the republics of the former Soviet Union; including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $404,093,000, to remain available until September 30, 2012.

Department of Defense Acquisition Workforce Development Fund

For the Department of Defense Acquisition Workforce Development Fund, $100,000,000.

TITLE III

Procurement

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including
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, $5,144,991,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including 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, $1,358,609,000, to remain available for obligation until September 30, 2012.
Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including 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, $2,681,952,000, to remain available for obligation until September 30, 2012.

Procurement of Ammunition, Army

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 ap-
proval of title; and procurement and installation of equip-
ment, 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; $2,053,295,000, to remain
available for obligation until September 30, 2012.

Other Procurement, Army

For construction, procurement, production, and
modification of vehicles, including tactical, support, and
non-tracked combat vehicles; the purchase of passenger
motor vehicles for replacement only; communications and
electronic equipment; other support equipment; spare
parts, ordnance, and accessories therefor; specialized
equipment and training devices; expansion of public and
private plants, including 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 Govern-
ment and contractor-owned equipment layaway; and other
expenses necessary for the foregoing purposes,
$9,293,801,000, to remain available for obligation until
September 30, 2012.
AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; 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, $18,325,481,000, to remain available for obligation until 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, $3,226,403,000, 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 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.

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

Carrier Replacement Program, $739,269,000.

Carrier Replacement Program (AP), $484,432,000.

NSSN, $1,964,317,000.

NSSN (AP), $1,959,725,000.

CVN Refueling, $1,563,602,000.

CVN Refuelings (AP), $211,820,000.

DD(X), $1,073,161,000.

DDG–51 Destroyer, $1,912,267,000.

DDG–51 Destroyer (AP), $328,996,000.

Littoral Combat Ship, $2,160,000,000.

LPD–17, $872,392,000.

LPD–17 (AP), $184,555,000.

Intratheater Connector, $357,956,000.

LCAC Service Life Extension Program, $63,857,000.

Prior year shipbuilding costs, $454,586,000.

Service Craft, $3,694,000.
For outfitting, post delivery, conversions, and first destination transportation, $386,903,000.

In all: $14,721,532,000; to remain available for obligation until September 30, 2014. Provided, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction. Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel. Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

**Other Procurement, Navy**

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, expansion of public and private plants, including the land necessary therefore, 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 con-
tractor-owned equipment layaway, $5,395,081,000, to re-
main available for obligation until September 30, 2012.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manu-
facture, and modification of missiles, armament, military
equipment, spare parts, and accessories therefor; plant
equipment, appliances, and machine tools; and installation
thereof in public and private plants; reserve plant and
Government and contractor-owned equipment layaway; ve-
hicles for the Marine Corps, including the purchase of pas-
senger motor vehicles for replacement only; and expansion
of public and private plants, including land necessary
therefor; and such lands and interests therein; may be ac-
quired, and construction prosecuted thereon prior to ap-
proval of title; $1,563,743,000, to remain available for ob-

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of
aircraft and equipment, including armor and armament,
specialized ground handling equipment, and training de-
vices; spare parts; and accessories therefor; specialized
equipment; expansion of public and private plants; Gov-
ernment-owned equipment and installation thereof in such
plants; erection of structures, and acquisition of land, for
the foregoing purposes; and such lands and interests
therein, may be acquired; and construction prosecuted
thereon prior to approval of title; reserve plant and Gov-
ernment and contractor-owned equipment layaway; and
other expenses necessary for the foregoing purposes in-
cluding rents and transportation of things;
$11,956,182,000, to remain available for obligation until
September 30, 2012; Provided, That no funds provided
in this Act for the procurement or modernization of C–
17 aircraft may be obligated until all C–17 contracts fund-
ed with prior year “Aircraft Procurement, Air Force” ap-
propriated funds are definitized.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of
missiles, spacecraft, rockets, and related equipment, in-
cluding spare parts and accessories therefor; ground han-
dling equipment, and training devices; expansion of public
and private plants; Government-owned equipment and in-
stallation thereof in such plants; erection of structures;
and acquisition of land, for the foregoing purposes; and
such lands and interests therein, may be acquired; and
construction prosecuted thereon prior to approval of title;
reserve plant and Government and contractor-owned
equipment layaway; and other expenses necessary for the
foregoing purposes including rents and transportation of
things; $6,508,359,000, to remain available for obligation
until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and
modification of ammunition, and accessories therefor; spe-
cialized equipment and training devices; expansion of pub-
lic and private plants; including ammunition facilities; au-
thorized by section 2854 of title 10, United States Code;
and the land necessary therefor, for the foregoing pur-
poses; and such lands and interests therein, may be ac-
quired; and construction prosecuted thereon prior to ap-
proval of title; and procurement and installation of equip-
ment, 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; $809,941,000, to remain avail-
able for obligation until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (in-
cluding ground guidance and electronic control equipment,
and ground electronic and communication equipment);
and supplies, materials; and spare parts therefor, not oth-
erwise provided for; the purchase of passenger motor vehi-
cles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants; Government-owned equipment and installation thereof in such plants; erection of structures; and acquisition of land; for the foregoing purposes; and such lands and interests therein, may be acquired; and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $16,883,791,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants; equipment, and installation thereof in such plants; erection of structures; and acquisition of land for the foregoing purposes; and such lands and interests therein, may be acquired; and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,026,816,000, to remain available for obligation until September 30, 2012.
DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $82,846,000, to remain available until expended.

TITLE IV
RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation,

Army

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,151,884,000, to remain available for obligation until September 30, 2011.

Research, Development, Test and Evaluation,

Navy

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,197,300,000, to remain available for obligation until September 30, 2011: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.
Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

Research, Development, Test and Evaluation,

Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,976,278,000, to remain available for obligation until September 30, 2011.

Research, Development, Test and Evaluation,

Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,721,723,000, to remain available for obligation until September 30, 2011: Provided, That, notwithstanding any other provision of law, of the funds made available under this heading for missile defense programs, not less than $80,000,000 shall be available for the Kinetic Energy Interceptor Program.
OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $190,770,000, to remain available for obligation until September 30, 2011:

TITLE V
REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

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

NATIONAL DEFENSE SEALIFT FUND

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

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, for medical
and health care programs of the Department of Defense
as authorized by law, $29,891,109,000; of which
$28,257,565,000 shall be for operation and maintenance,
of which not to exceed 2 percent shall remain available
until September 30, 2011, and of which up to
$15,537,688,000 may be available for contracts entered
into under the TRICARE program; of which
$384,142,000, to remain available for obligation until Sep-
tember 30, 2012, shall be for procurement; and of which
$1,249,402,000, to remain available for obligation until
September 30, 2011, shall be for research, development,
test and evaluation: Provided, That, notwithstanding any
other provision of law, of the amount made available under
this heading for research, development, test and evalua-
tion, not less than $10,000,000 shall be available for HIV
prevention educational activities undertaken in connection
with United States military training, exercises, and hu-
manitarian assistance activities conducted primarily in Af-
rican nations:

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
DEFENSE

For expenses, not otherwise provided for, necessary
for the destruction of the United States stockpile of lethal
chemical agents and munitions, to include construction of
facilities, in accordance with the provisions of section 1412
(50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,510,760,000, of which $1,146,802,000 shall be for operation and maintenance, of which no less than $84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $34,905,000 for activities on military installations and $49,934,000, to remain available until September 30, 2011, to assist State and local governments; $12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than $12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $351,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which $348,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

**Drug Interdiction and Counter-Drug Activities, Defense**

(including transfer of funds)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code, for oper
ation and maintenance; for procurement; and for research, development, test and evaluation, $1,237,684,000: Pro-
vided; That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further; That upon a determination that all or part of the funds transferred from this appro-
priation are not necessary for the purposes provided here-
in, such amounts may be transferred back to this appro-
priation: Provided further; That the transfer authority pro-
vided under this heading is in addition to any other trans-
fer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $364,550,000, of which $183,000,000 shall be for Attack the Network, to remain available until September 30, 2011; $25,000,000 shall be for Defeat the Device, to remain available until September 30, 2012; $35,000,000 shall be for Train the Force, to remain available until September 30, 2010; $121,550,000 shall be for Staff and In-
frastructure, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the
Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices. Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees. Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund. Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein. Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense. Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the
congressional defense committees in writing of the details of any such transfer.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $288,100,000, of which $287,100,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General; and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $290,900,000.
INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $611,002,000.

TITLE VIII

GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Pro-
vided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

Sec. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year. Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

Sec. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided,
That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress; Provided further, that the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act; Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress; Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2010; Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section; Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.
Sec. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled “Explanation of Project Level Adjustments” in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

Sec. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application 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 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.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, each balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10,
United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, that transfers may be made between working capital funds and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Sec. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

Sec. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that in-
cludes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—
(1) the Secretary of Defense has submitted to Congress a report within 30 days of enactment of this Act that certifies full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are identified in that report for production beyond advance procurement activities in the fiscal year 2010 budget, full funding of procurement of such unit in that fiscal year;

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

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

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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

F–18 aircraft variants.
Sec. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code. Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239. Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the North-
ern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Sec. 8012. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

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

Sec. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

Sec. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time stu-
dent and receiving benefits paid by the Secretary of Vet-
erans Affairs from the Department of Defense Education
Benefits Fund when time spent as a full-time student is
credited toward completion of a service commitment: Pro-
vided, That this section shall not apply to those members
who have reenlisted with this option prior to October 1,
1987: Provided further, That this section applies only to
active components of the Army.

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

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

(2) the Competitive Sourcing Official deter-
mines that, over all performance periods stated in
the solicitation of offers for performance of the ac-
tivity or function, the cost of performance of the ac-
tivity or function by a contractor would be less costly
to the Department of Defense by an amount that
equals or exceeds the lesser of—
(A) 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(C) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any com-
mmercial or industrial type function of the Department of
Defense that—

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

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

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

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

(e) The conversion of any activity or function of the
Department of Defense under the authority provided by
this section shall be credited toward any competitive or
outsourcing goal, target, or measurement that may be es-
tablished by statute, regulation, or policy and is deemed
to be awarded under the authority of, and in compliance
with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities:

(TRANSFER OF FUNDS)

Sec. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

Sec. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this
section substantially all of the components of anchor and
mooring chain shall be considered to be produced or manu-
factured in the United States if the aggregate cost of the
components produced or manufactured in the United
States exceeds the aggregate cost of the components pro-
duced or manufactured outside the United States: Pro-
vided further, That when adequate domestic supplies are
not available to meet Department of Defense requirements
on a timely basis, the Secretary of the service responsible
for the procurement may waive this restriction on a case-
by-case basis by certifying in writing to the Committees
on Appropriations that such an acquisition must be made
in order to acquire capability for national security pur-
poses.

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

Sec. 8019. No more than $500,000 of the funds ap-
propriated or made available in this Act shall be used dur-
ing a single fiscal year for any single relocation of an orga-
nization, unit, activity or function of the Department of
Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

Sec. 8020. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any...
subcontract at any tier for acquisition of commercial items
produced or manufactured, in whole or in part by any sub-
contractor or supplier defined in section 1544 of title 25,
United States Code, or a small business owned and con-
trolled by an individual or individuals defined under sec-
tion 4221(9) of title 25, United States Code.

Sec. 8021. Funds appropriated by this Act for the
Defense Media Activity shall not be used for any national
or international political or psychological activities.

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

Sec. 8023. During the current fiscal year, the De-
partment of Defense is authorized to incur obligations of
not to exceed $350,000,000 for purposes specified in section 2350j(e) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

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

(1) $26,433,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $7,426,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $897,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

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

Sec. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of De-
defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year. Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

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

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

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

(f) Notwithstanding any other provision of this Act,
the total amount appropriated in this Act for FFRDCs
is hereby reduced by $125,200,000.
Sec. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

Sec. 8027. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Sub-
committee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

Sec. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

Sec. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall
rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

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

(c) For purposes of this section, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”; approved March 3, 1933 (41 U.S.C. 10a et seq.).
Sec. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

Sec. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for
housing units under subsection (a) before submitting re-
requests to the Secretary of the Air Force under subsection
(b).

(d) In this section, the term "Indian tribe" means
any recognized Indian tribe included on the current list
published by the Secretary of the Interior under section
104 of the Federally Recognized Indian Tribe Act of 1994
1).

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

Sec. 8033. (a) During the current fiscal year, none
of the appropriations or funds available to the Department
of Defense Working Capital Funds shall be used for the
purchase of an investment item for the purpose of acquir-
ing a new inventory item for sale or anticipated sale dur-
ing the current fiscal year or a subsequent fiscal year to
customers of the Department of Defense Working Capital
Funds if such an item would not have been chargeable
to the Department of Defense Business Operations Fund
during fiscal year 1994 and if the purchase of such an
investment item would be chargeable during the current
fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development ac-
quisition, for agent operations, and for covert action pro-
grames authorized by the President under section 503 of
the National Security Act of 1947, as amended, shall re-
main available until September 30, 2011.

Sec. 8035. Notwithstanding any other provision of
law, funds made available in this Act for the Defense In-
telligence Agency may be used for the design, develop-
ment, and deployment of General Defense Intelligence
Program intelligence communications and intelligence in-
formation systems for the Services, the Unified and Speci-
fied Commands, and the component commands.

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

Sec. 8037. (a) None of the funds appropriated in this
Act may be expended by an entity of the Department of
Defense unless the entity, in expending the funds, com-
plies with the Buy American Act. For purposes of this
subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes"; approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

Sec. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on
the basis of an unsolicited proposal unless the head of the
activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take ad-
vantage of unique and significant industrial accom-
plishment by a specific concern, or to insure that a
new product or idea of a specific concern is given fi-
nancial support. Provided, That this limitation shall
not apply to contracts in an amount of less than
$25,000, contracts related to improvements of equip-
ment that is in development or production, or con-
tracts as to which a civilian official of the Depart-
ment of Defense, who has been confirmed by the
Senate, determines that the award of such contract
is in the interest of the national defense.
(1) to establish a field operating agency; or

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

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

(e) This section does not apply to—

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

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

Sec. 8040. The Secretary of Defense, notwith-
standing any other provision of law, acting through the
Office of Economic Adjustment of the Department of De-
fense, may use funds made available in this Act under the
heading “Operation and Maintenance, Defense-Wide” to
make grants and supplement other Federal funds in ac-
cordance with the guidance provided in the report of the
Committee on Appropriations of the House of Representa-
tives accompanying this Act.

(RESCISSIONS)

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

"Other Procurement, Army, 2009/2011'',
$131,900,000.

"Shipbuilding and Conversion, Navy, 2009/
2013'', $177,767,000.

"Other Procurement, Navy, 2009/2011'',
$18,844,000.

$687,071,000.

"Missile Procurement, Air Force, 2009/2011'',
$60,000,000.

"Other Procurement, Air Force, 2009/2011'',
$36,400,000.

"Research, Development, Test and Evaluation,
Navy, 2009/2010'', $20,000,000.

"Research, Development, Test and Evaluation,
Air Force, 2009/2010'', $70,000,000.

Sec. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

Sec. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

Sec. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program.
Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Sec. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level. Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

Sec. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

Sec. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller
bearings other than those produced by a domestic source and of domestic origin. Provided, That the Secretary of
the military department responsible for such procurement may waive this restriction on a case-by-case basis by certi-
ftying in writing to the Committees on Appropriations of
the House of Representatives and the Senate, that ade-
quate domestic supplies are not available to meet Depart-
ment of Defense requirements on a timely basis and that
such an acquisition must be made in order to acquire ca-
pability for national security purposes: Provided further,
That this restriction shall not apply to the purchase of
“commercial items”, as defined by section 4(12) of the
Office of Federal Procurement Policy Act, except that the
restriction shall apply to ball or roller bearings purchased
as end items.

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

Sec. 8049. None of the funds made available in this
or any other Act may be used to pay the salary of any
officer or employee of the Department of Defense who ap-
proves or implements the transfer of administrative re-
sponsibilities or budgetary resources of any program,
project, or activity financed by this Act to the jurisdiction
of another Federal agency not financed by this Act with-
out the express authorization of Congress: Provided, That
this limitation shall not apply to transfers of funds ex-
pressly provided for in Defense Appropriations Acts, or
provisions of Acts providing supplemental appropriations
for the Department of Defense.

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

(b) This section applies to—

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

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

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

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

Sec. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the
Department of Defense for costs of any amount paid by
the contractor to an employee when—

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

(2) such bonus is part of restructuring costs as-
associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8053. During the current fiscal year, in the case
of an appropriation account of the Department of Defense
for which the period of availability for obligation has ex-
pired or which has closed under the provisions of section
1552 of title 31, United States Code, and which has a
negative unliquidated or unexpended balance, an obliga-
tion or an adjustment of an obligation may be charged
to any current appropriation account for the same purpose
as the expired or closed account if—

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

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

(3) in the case of an expired account, the obli-
gation is not chargeable to a current appropriation
of the Department of Defense under the provisions
of section 1405(b)(8) of the National Defense Au-
thorization Act for Fiscal Year 1991, Public Law
101–510, as amended (31 U.S.C. 1551 note): Pro-
vided, That in the case of an expired account, if sub-
sequent review or investigation discloses that there
was not in fact a negative unliquidated or unex-
pended balance in the account, any charge to a cur-
rent account under the authority of this section shall
be reversed and recorded against the expired ac-
count: Provided further, That the total amount
charged to a current appropriation under this sec-
tion may not exceed an amount equal to 1 percent of the total appropriation for that account.

Sec. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

Sec. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany. Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installa-
tions. Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

Sec. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements. Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use. Provided further, That this restriction does not apply to programs funded within the National Intelligence Program. Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

Sec. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from
foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218
through 7229, 7304.11 through 7304.49, 7306.40, 7502
through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

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

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

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

(d) Not more than 15 days after the exercise of any
waiver under subsection (c), the Secretary of Defense shall
submit a report to the congressional defense committees
describing the extraordinary circumstances, the purpose
and duration of the training program, the United States
forces and the foreign security forces involved in the train-
ing program, and the information relating to human rights violations that necessitates the waiver.

Sec. 8060: None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity. Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

Sec. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.
Sec. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation; Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

Sec. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

Sec. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided
to such department or agency on a reimbursable basis.

Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority. Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

Sec. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API–T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity
to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United
States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located. Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located. Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8070. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $106,754,000 shall remain available until expended. Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such
funds to other activities of the Federal Government: 

Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Sec. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

Sec. 8072. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher
Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8073. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $202,434,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $45,792,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program; $50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $72,400,000 shall be for the Arrow Missile Defense Program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel’s defense requirements, consistent with each nation’s laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under
this provision is in addition to any other transfer authority
contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

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

To:
Under the heading Shipbuilding and Conversion,
Navy, 2004/2010:
New SSN, $26,906,000.
LPD–17 Amphibious Transport Dock Program,
$16,844,000.

Under the heading Shipbuilding and Conversion,
Navy, 2005/2010:
New SSN, $18,702,000.
LPD–17 Amphibious Transport Dock Program,
$16,498,000.
Under the heading Shipbuilding and Conversion, Navy, 2007/2011:

DD(X) Program, $309,636,000.

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

LPD–17 Amphibious Transport Dock Program, $66,000,000.

Sec. 8075. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of United States Navy forces assigned to the Pacific fleet. Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

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

Pharmacists, Audiologists, Psychologists, Social Workers, Orthotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapy Assistants, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hy-
gienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, Medical Technologists, Medical Technicians, Pharmacy Technicians, Health System Specialists, Medical Instrument Technicians, and Dental Hygienists:

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

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

SEC. 8077. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8078. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.
Sec. 8079. (a) In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $3,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

Sec. 8080. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a de-
scription of the funding requested for each contingency op-
eration, for each military service, to include all Active and
Reserve components, and for each appropriations account:
Provided further, That these documents shall include esti-
mated costs for each element of expense or object class;
a reconciliation of increases and decreases for each contin-
gency operation, and programmatic data including, but
not limited to; troop strength for each Active and Reserve
compartment, and estimates of the major weapons systems
deployed in support of each contingency: Provided further,
That these documents shall include budget exhibits OP–
5 and OP–32 (as defined in the Department of Defense
Financial Management Regulation) for all contingency op-
erations for the budget year and the two preceding fiscal
years.

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

Sec. 8082. Up to $2,500,000 of the funds appro-
priated under the heading “Operation and Maintenance,
Navy” in this Act for the Pacific Missile Range Facility
may be made available to contract for the repair, mainte-
nance, and operation of adjacent off-base water, drainage,
and flood control systems, electrical upgrade to support
additional missions critical to base operations, and support
for a range footprint expansion to further guard against
encroachment.

SEC. 8083. In addition to the amounts appropriated
or otherwise made available elsewhere in this Act,
$88,700,000 is hereby appropriated to the Department of
Defense: Provided, That the Secretary of Defense shall
make grants in the amounts specified as follows:
$20,000,000 to the United Service Organizations;
$30,000,000 to the Red Cross; $6,000,000 to the SOAR
Virtual School District; $5,000,000 to The Presidio Herit-
age Center; $5,000,000 to the Paralympics Military Pro-
gram; $4,800,000 to the Arrest Deterioration of Ford Is-
land Aviation Control Tower, Pearl Harbor, Hawaii;
$2,000,000 to the Go For Broke program; $1,000,000 to
Our Military Kids; $3,000,000 to the New Jersey Tech-
nology Center; $2,000,000 to the Women in Military Serv-
ice for America Memorial; $500,000 to the Marshall Leg-
uey Institute; $1,000,000 to the Vietnam Veterans Memo-
rial Fund for Demining Activities; $7,400,000 to the Ed-
ward M. Kennedy Institute for the Senate; and
$1,000,000 for the Riverside General Hospital in Hous-
ton, Texas, for the treatment of psychological health
issues.
Sec. 8084. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non–hurricane season.

Sec. 8085. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

Sec. 8086. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary
determines that it is necessary to do so to respond to a
national security emergency or to meet dire operational
requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

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

Sec. 8088. For purposes of section 612 of title 41,
United States Code, any subdivision of appropriations
made under the heading “Shipbuilding and Conversion;
Navy” that is not closed at the time reimbursement is
made shall be available to reimburse the Judgment Fund
and shall be considered for the same purposes as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in the current fiscal year or any prior fiscal year.

Sec. 8089. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

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

Sec. 8090. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

Sec. 8091. Up to $15,000,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Re-
gional Initiative Program for the purpose of enabling the
Pacific Command to execute Theater Security Cooperation
activities such as humanitarian assistance; and payment
of incremental and personnel costs of training and exer-
cising with foreign security forces. Provided; That funds
made available for this purpose may be used, notwith-
standing any other funding authorities for humanitarian
assistance; security assistance or combined exercise ex-
penses. Provided further; That funds may not be obligated
to provide assistance to any foreign country that is other-
wise prohibited from receiving such type of assistance
under any other provision of law.

Sec. 8092. None of the funds appropriated by this
Act for programs of the Office of the Director of National
Intelligence shall remain available for obligation beyond
the current fiscal year, except for funds appropriated for
research and technology, which shall remain available until
September 30, 2011.

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

•HR 3326 RS
prior fiscal year, and the 1 percent limitation shall apply
to the total amount of the appropriation.

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

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

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

(1) For procurement programs requesting more
than $20,000,000 in any fiscal year, the P–1, Pro-
curement Program; P–5, Cost Analysis; P–5a, Pro-
curement History and Planning; P–21, Production
Schedule; and P–40, Budget Item Justification.
(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

Sec. 8097. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 35 percent of the total cost of the contract, grant, or agreement (or similar arrangement). Provided, That this limitation shall apply only to funds made available in this Act for basic research.

Sec. 8098. The Secretary of Defense shall maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

Sec. 8099. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence 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
proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

Sec. 8101. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives; the Select Committee on Intelligence of the Senate; the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and the Subcommittee on Defense of the Committee on Appropriations of the Senate.


(INCLUDING TRANSFER OF FUNDS)

Sec. 8103. (a) CONTINUATION OF STOP-LOSS SPECIAL PAY.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $8,300,000 is hereby appropriated to the Secretary of De-
fense to carry out this section. Such amount shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Army, Navy, Air Force, and Marine Corps, including members of their reserve components, who, at any time during fiscal year 2010, serve on active duty while the members’ enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a “stop-loss authority”) authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) Special Pay Amount.—The amount of the special pay paid under subsection (a) to or on behalf of an eligible member shall be $500 per month for each month or portion of a month during fiscal year 2010 that the member is retained on active duty as a result of application of the stop-loss authority.

(c) Treatment of Deceased Members.—If an eligible member described in subsection (a) dies before the payment required by this section is made, the Secretary
concerned shall make the payment in accordance with sec-

tion 2771 of title 10, United States Code.

(d) Clarification of Retroactive Stop-Loss
Special Pay Authority.—Section 310 of the Supple-
mental Appropriations Act, 2009 (Public Law 111–32) is
amended by adding at the end the following new sub-
section:

````(i) Effect of Subsequent Reenlistment of
Voluntary Extension of Service.—Members of the
Armed Forces, retired members, and former members oth-
erwise described in subsection (a) are not eligible for a
payment under this section if the members—

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

````(2) received a bonus for such reenlistment or
extension of service.''.

Sec. 8104. Appropriations available to the Depart-
ment of Defense for the purchase of heavy and light ar-
mored vehicles for force protection purposes may be used
for such purchase, up to a limit of $262,000 per vehicle,
notwithstanding other limitations applicable to the pur-
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-
ture through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of the reprogramming that—

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

(2) eliminates a program, project or activity;

(3) augments funds for existing projects in excess of 10 percent or more; or

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

(b) None of the funds provided for the National intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) made after August 1, 2010, except in extraordinary circumstances and after the Committees on Appropriations of the House of Representatives and the Senate are notified 30 days in advance of the reprogramming.

 SEC. 8108. None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the
Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and the Supplemental Appropriations Act, 2009 (Public Law 111–32), may be used to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76, as of the date of enactment of this Act.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8109. During the current fiscal year, the Secretary of Defense may transfer to the appropriation “Foreign Currency Fluctuations, Defense” unobligated amounts of funds appropriated for operation and maintenance for fiscal year 2007, 2008, or 2009 and unobligated amounts of funds appropriated for military personnel for any of such fiscal years if such unobligated amounts are not necessary for the liquidation of obligations or for the making of authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations. Provided, That the amount in the appropriation “Foreign Currency Fluctuations, Defense” may not exceed the amount specified in subsection 2779(d) of title 10, United States Code, as a result of
the transfer. Provided further, That the transfer authority
provided by this section is in addition to any other transfer
authority contained in this Act.

Sec. 8110. The amounts appropriated in title II of
this Act are hereby reduced by $289,570,000 to reflect
excess cash balances in Department of Defense Working
Capital Funds.

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

(2) During the current fiscal year no funds may be
obligated or expended for a financial management auto-
mated information system, a mixed information system
supporting financial and non-financial systems, or a busi-
ness system improvement of more than $1,000,000, within
the Intelligence Community until the Director of National
Intelligence certifies to the congressional intelligence com-
mittees that the system is being developed and managed
in accordance with the Business Transformation requirements.

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

1. Business process reengineering.
2. An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.
3. Assurance the system is compatible with the enterprise-wide business architecture.
4. Performance measures.
5. An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.
6. (a) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8112. (a) In addition to funds made available elsewhere in this Act, there is hereby appropriated $439,615,000 to remain available until transferred: Pro-
vided, That these funds are appropriated to the “Tanker Replacement Transfer Fund” (referred to as “the Fund” elsewhere in this section): Provided further, That the Secretary of the Air Force may transfer amounts in the Fund to “Operation and Maintenance, Air Force”; “Aircraft Procurement, Air Force”; and “Research, Development, Test and Evaluation, Air Force”, only for the purposes of proceeding with a tanker acquisition program: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(b) The Secretary of Defense is directed to award one or more contracts for the aerial refueling tanker replace-
ment program according to either of the following alternatives:

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

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

(c) The Secretary of Defense shall certify in writing to the congressional defense committees by October 1, 2009, which of the procurement alternatives in subsection (b) represents the most cost-effective and expeditious
tanker replacement strategy that best responds to United
States national security requirements. The certification
shall be accompanied by a report to the congressional de-
fense committees detailing the rationale for such certifi-
cation:

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

(b) Benefits.—The benefits authorized under this
section are the following:

(1) In the case of an individual who is a former
member of the Armed Forces at the time of the pro-
vision of benefits under this section, payment of an
amount not to exceed $200 for each day the indi-
vidual would have qualified for a day of administra-
tive absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) Exclusion of Certain Former Members.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) Maximum Number of Days of Benefits.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) Form of Payment.—The paid benefits authorized under this section may be paid in a lump sum or in installments, at the election of the Secretary concerned.
(f) **Construction With Other Pay and Leave.**—
The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) **Definitions.**—In this section:

(1) The term "Post-Deployment/Mobilization Respite Absence program" means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

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

(h) **Termination.**—

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

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of
any payment authorized a member or former mem-
ber of the Armed Forces under subsection (b), be-
fore the expiration of the authority in this section.
Sec. 8114. (a) Resettlement Support and
Other Public Benefits for Certain Iraqi Refu-
gees.—Section 1244(g) of the Refugee Crisis in Iraq Act
of 2007 (subtitle C of title XII of division A of Public
Law 110–181; 122 Stat. 398) is amended by striking “for
a period not to exceed eight months” and inserting “to
the same extent, and for the same periods of time, as such
refugees”.
(b) Resettlement Support and Other Public
Benefits for Certain Afghan Allies.—Section
602(b)(8) of the Afghan Allies Protection Act of 2009
(title VI of division F of Public Law 111–8; 123 Stat.
809) is amended by striking “for a period not to exceed
8 months” and inserting “to the same extent, and for the
same periods of time, as such refugees”.
Sec. 8115. (a) With respect to the list of specific pro-
grams, projects and activities contained in the tables enti-
tled “Explanation of Project Level Adjustments” in the
report of the Committee on Appropriations of the House
of Representatives, those which are considered congres-
sional earmarks for purposes of rule XXI of the House
of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.

(b) For profit entities previously awarded a contract with the Department of Defense which remains in effect during fiscal year 2010, to provide such programs projects or activities as described in subsection (a), shall be considered to have satisfied the conditions of full and open competition, provided that any such contract was awarded under full and open competition.

Sec. 8116. The amounts appropriated in title II of this Act are hereby reduced from the specified accounts in the specified amounts:

"Operation and Maintenance, Navy", $192,000,000.
"Operation and Maintenance, Marine Corps", $28,000,000.
"Operation and Maintenance, Air Force", $188,000,000.
"Operation and Maintenance, Defense-Wide", $142,000,000.

Sec. 8117. In carrying out Congressionally Directed Medical Research programs related to breast cancer research, the Secretary of Defense shall ensure the following:

(1) The selection process for choosing an individual to serve as a member of an integration panel
shall be fair and representative of the interested community so that the integration panel consists of a diverse representation of the breast cancer survivor and advocacy community.

(2) An individual serving as a member of an integration panel may not be an employee, serve on the board of, or have a financial relationship with the same organization (including any organization related to such organization through common board membership, financial support, or other similar relationship) as that of another individual serving as a member of such panel.

SEC. 8118. None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110–329), the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), and the Supplemental Appropriations Act, 2009 (Pub. L. 111–32), may be used to eliminate any personnel positions from the 194th Regional Support Wing of the United States Air National Guard as of the date of enactment of this Act.

SEC. 8119. (a) None of the funds made available in this or any prior Act may be used to release an individual
who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, the District of Columbia, or any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

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

c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:
(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

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

(3) The legal rationale and associated court demands for transfer.

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

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual’s nationality or last habitual residence or to the freely associated
States of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), or the Republic of Palau, or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

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

Sec. 8120. None of the funds appropriated or otherwise made available in this Act may be used for advance procurement of the F–22 aircraft. Provided, That $368,800,000 of the funds made available in title III under the heading “Aircraft Procurement, Air Force” may be available for the following programs in the following amounts:
(1) $64,000,000 for production line shut down activities for the F–22.

(2) $138,800,000 for spare engines for F–22 and C–17 aircraft.

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

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

(5) $50,000,000 for advanced radar development.

Sec. 8121. The amount appropriated in title VI under the heading “Defense Health Program” for operation and maintenance is hereby reduced by $26,000,000 and the amount appropriated under such heading for research, development, test, and evaluation is hereby increased by $26,000,000.

Sec. 8122. None of the funds appropriated or otherwise made available in this Act may be used to award to a contractor, or convert to performance by a contractor, the provision of utilities at the United States Military Academy at West Point.

Sec. 8123. The amounts otherwise provided by this Act are revised by reducing the amount made available under title II under the heading “Operation and Maintenance, Air Force”, and increasing the amount available...
under title VI under the heading "Chemical Agents and
Munitions Destruction, Defense", by $50,000,000.

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

TITLE IX

OVERSEAS DEPLOYMENTS AND OTHER
ACTIVITIES

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

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

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel,
Navy", $1,622,717,000: 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-
lation on the budget for fiscal year 2010.
For an additional amount for "Military Personnel, Marine Corps", $997,470,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for "Military Personnel, Air Force", $1,855,337,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for "Reserve Personnel, Army", $302,637,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for "Reserve Personnel, Navy", $39,040,000: 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:

RESERVE PERSONNEL, MARINE CORPS

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

RESERVE PERSONNEL, AIR FORCE

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

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Per-
sonnel, Army", $839,966,000: Provided, That the amount
under this heading is designated as being for overseas de-
ployments and other activities pursuant to section
423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
current resolution on the budget for fiscal year 2010:
NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force," $18,500,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army," $41,836,029,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy," $4,975,665,000: Provided, That up to $241,503,000 of the amount under this heading shall be transferred to the Coast Guard "Operating Expenses" account: Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,961,279,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $7,858,895,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE WIDE

For an additional amount for "Operation and Maintenance, Defense Wide", $7,397,800,000, of which:

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

   (2) Not to exceed $1,540,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United
States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this para-
graph: Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, $163,461,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, $54,447,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $69,333,000: Provided, That the amount under this heading is designated as
being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress); the concurrent resolution on the budget for fiscal year 2010.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $100,740,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress); the concurrent resolution on the budget for fiscal year 2010.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $257,317,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress); the concurrent resolution on the budget for fiscal year 2010.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $231,889,000: Provided, That the amount under this heading is designated as
being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress); the concurrent resolution on the budget for fiscal year 2010.

**OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND**

*(INCLUDING TRANSFER OF FUNDS)*

For an additional amount for expenses directly relating to overseas contingency operations by United States military forces, $14,636,901,000, to remain available for obligation until expended: Provided, That of the funds made available under this heading, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, the defense health program appropriation, and working capital funds accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: Provided further, That the transfer authority provided under this heading is in addition to any
other transfer authority available to the Department of Defense. *Provided further,* That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**AFGHANISTAN SECURITY FORCES FUND**

For the “Afghanistan Security Forces Fund,” $7,462,769,000, to remain available until September 30, 2011: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command-Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding. *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations. *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes. *Provided further,* That the Secretary of Defense
shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions. *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation. *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

**PROCUREMENT**

**AIRCRAFT PROCUREMENT, ARMY**

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

**MISSILE PROCUREMENT, ARMY**

For an additional amount for “Missile Procurement, Army”, $469,470,000, to remain available until Sep-
September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**Procurement of Weapons and Tracked Combat Vehicles, Army**

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,219,466,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**Procurement of Ammunition, Army**

For an additional amount for "Procurement of Ammunition, Army", $370,635,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
Other Procurement, Army

For an additional amount for "Other Procurement, Army", $5,635,306,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Aircraft Procurement, Navy

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

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $73,700,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
PROCURMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $698,780,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $260,797,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,100,268,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $825,718,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $36,625,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $256,819,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $2,275,238,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $489,980,000, to remain available until September 30, 2012: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of items of equipment as designated by the Chief of the National Guard Bureau and the Chiefs of the reserve components of the Armed Forces, $500,000,000, to remain available for obligation until September 30, 2012, of which $300,000,000 shall be available only for the Army National Guard: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act,
individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component. Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

**Rapid Acquisition Fund**

*(INCLUDING TRANSFER OF FUNDS)*

There is hereby established in the Treasury of the United States the Rapid Acquisition Fund. For the Rapid Acquisition Fund, $40,000,000, to remain available until September 30, 2012. Provided, That such funds shall be available to the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, for the purpose of providing for Joint Urgent Operational Needs. Provided further, That the Secretary of Defense may transfer such funds to appropriations for operation and maintenance; procurement; and research, development, test and evaluation. Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and the same time period as that account to which transferred. Provided further, That upon a determination that all or part of the funds transferred from this appropriation
are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation. Provided further, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense. Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 422(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,606,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles. Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein. Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense. Provided further, That upon a determination that all or part of the funds trans-
ferred from this appropriation are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation,

Army

For an additional amount for “Research, Development, Test and Evaluation, Army”, $57,962,000, to remain available until September 30, 2011: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
For an additional amount for "Research, Development, Test and Evaluation, Navy", $38,280,000, to remain available until September 30, 2011: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $29,286,000, to remain available until September 30, 2011: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $115,826,000, to remain available until September 30, 2011: Provided, That the amount under this heading is
designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $412,215,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,155,235,000, which shall be for operation and maintenance: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities", $317,603,000, to remain avail-
able until September 30, 2011: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2011.

Joint Improvised Explosive Device Defeat Fund (Including Transfer of Funds)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,490,000,000, of which $730,000,000 shall be for Attack the Network, to remain available until September 30, 2011; $600,000,000 shall be for Defeat the Device, to remain available until September 30, 2012; and $160,000,000 shall be for Train the Force, to remain available until September 30, 2010: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Office of the Inspector General

For an additional amount for the "Office of the Inspector General", $8,876,000: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section
423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $3,000,000,000 between the appropriations or funds made available to the Department of Defense in this title, with the exception of the "Overseas Contingency Operations Transfer Fund": Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: Provided further, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section
423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Sec. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan or Iraq, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

Sec. 9004. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of $75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

Sec. 9005. Not to exceed $1,300,000,000 of the amount appropriated in this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility. Pro-
vided, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: 

Provided further, That, of the funds provided, $500,000,000 shall not be available until 5 days after the Secretary of Defense has completed a thorough review of the Commander's Emergency Response Program and provided a report on his findings to the congressional defense committees.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9007. During fiscal year 2010 and from funds in the "Defense Cooperation Account", as established by
10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed $6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority: Provided further, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Sec. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

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

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

(1) Section 2340A of title 18, United States Code:


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

Sec. 9010. (a) REPORT ON IRAQ TROOP DRAWDOWN STATUS, GOALS, AND TIMETABLE.—In recognition and support of the policy of President Barack Obama to with-
draw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011; Congress directs the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status and goals and includes—

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

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

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

(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions.

(2) How the drawdown of military forces complies with the President’s planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.

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

(c) Submission.—

(1) Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.

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

TITLE X

ADDITIONAL GENERAL PROVISIONS

Sec. 1001. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the use of hyperbaric oxygen therapy (in this section referred to as "HBOT") under the Secretary of Defense. Such report shall include the following:
(1) The number of members of the Armed Forces, veterans, and civilians being treated with HBOT.

(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).

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

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational
movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,267,448,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,440,472,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between
permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,883,790,000.

**MILITARY PERSONNEL, AIR FORCE**

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

**RESERVE PERSONNEL, ARMY**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section

•HR 3326 RS
12310(a) of title 10, United States Code, or while under-
going reserve training, or while performing drills or equiva-

tent duty or other duty, and expenses authorized by section
16131 of title 10, United States Code; and for payments
to the Department of Defense Military Retirement Fund,
$4,286,656,000.

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

Reserve Personnel, Marine Corps
For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Marine
Corps Reserve on active duty under section 10211 of title
10, United States Code, or while serving on active duty
under section 12301(d) of title 10, United States Code, in
connection with performing duty specified in section
12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $611,500,000.

**Reserve Personnel, Air Force**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,584,712,000.

**National Guard Personnel, Army**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States
Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,535,088,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,923,599,000.
TITLe II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,667,886,000.

OPERATION AND MAINTENANCE, NAVY

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

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,435,923,000.
For expenses, not otherwise provided for, necessary for
the operation and maintenance of the Air Force, as author-
ized by law; and not to exceed $7,699,000 can be used for
emergencies and extraordinary expenses, to be expended on
the approval or authority of the Secretary of the Air Force,
and payments may be made on his certificate of necessity
for confidential military purposes, $33,739,447,000.

For expenses, not otherwise provided for, necessary for
the operation and maintenance of activities and agencies
of the Department of Defense (other than the military de-
partments), as authorized by law, $28,205,050,000: Pro-
vided, That not more than $50,000,000 may be used for
the Combatant Commander Initiative Fund authorized
under section 166a of title 10, United States Code: Provided
further, That not to exceed $36,000,000 can be used for
emergencies and extraordinary expenses, to be expended on
the approval or authority of the Secretary of Defense, and
payments may be made on his certificate of necessity for
confidential military purposes: Provided further, That of
the funds provided under this heading, not less than
$29,732,000 shall be made available for the Procurement
Technical Assistance Cooperative Agreement Program, of
which not less than $3,600,000 shall be available for centers
defined in 10 U.S.C. 2411(1)(D): Provided further, That
none of the funds appropriated or otherwise made available
by this Act may be used to plan or implement the consolida-
tion of a budget or appropriations liaison office of the Office
of the Secretary of Defense, the office of the Secretary of
a military department, or the service headquarters of one
of the Armed Forces into a legislative affairs or legislative
liaison office: Provided further, That $6,667,000, to remain
available until expended, is available only for expenses re-
lating to certain classified activities, and may be trans-
ferred as necessary by the Secretary to operation and main-
tenance appropriations or research, development, test and
evaluation appropriations, to be merged with and to be
available for the same time period as the appropriations
to which transferred: Provided further, That any ceiling on
the investment item unit cost of items that may be pur-
chased with operation and maintenance funds shall not
apply to the funds described in the preceding proviso: Pro-
vided further, That the transfer authority provided under
this heading is in addition to any other transfer authority
provided elsewhere in this Act.

**Operation and Maintenance, Army Reserve**

For expenses, not otherwise provided for, necessary for
the operation and maintenance, including training, organi-
zation, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,582,624,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,272,501,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $219,425,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair
of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,085,700,000.

**Operation and Maintenance, Army National Guard**

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,989,034,000.

**Operation and Maintenance, Air National Guard**

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures
and facilities; transportation of things, hire of passenger
motor vehicles; supplying and equipping the Air National
Guard, as authorized by law; expenses for repair, modifica-
tion, maintenance, and issue of supplies and equipment,
including those furnished from stocks under the control of
agencies of the Department of Defense; travel expenses (other
than mileage) on the same basis as authorized by law for
Air National Guard personnel on active Federal duty, for
Air National Guard commanders while inspecting units in
compliance with National Guard Bureau regulations when
specifically authorized by the Chief, National Guard Bu-
reau, $5,857,011,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED
FORCES

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

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $430,864,000, to re-
main available until transferred: Provided, That the Sec-
retary of the Army shall, upon determining that such funds
are required for environmental restoration, reduction and
recycling of hazardous waste, removal of unsafe buildings
and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, 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 upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $285,869,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, 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 upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, AIR FORCE**

*(INCLUDING TRANSFER OF FUNDS)*

For the Department of the Air Force, $494,276,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, 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 upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation:
Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Environmental Restoration, Defense-Wide (Including Transfer of Funds)

For the Department of Defense, $11,100,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, 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 upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.
ENVIRONMENTAL RESTORATION, FORMERLY USED

DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $307,700,000, to re-
main available until transferred: Provided, That the Sec-
retary of the Army shall, upon determining that such funds
are required for environmental restoration, reduction and
recycling of hazardous waste, removal of unsafe buildings
and debris at sites formerly used by the Department of De-
fense, transfer the funds made available by this appropria-
tion to other appropriations made available to the Depart-
ment of the Army, 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
upon a determination that all or part of the funds trans-
ferred from this appropriation are not necessary for the
purposes provided herein, such amounts may be transferred
back to this appropriation: Provided further, That the
transfer authority provided under this heading is in addi-
tion to any other transfer authority provided elsewhere in
this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian,
Disaster, and Civic Aid programs of the Department of De-
fense (consisting of the programs provided under sections
$109,869,000, to remain available until September 30, 2011.

Cooperative Threat Reduction Account

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $424,093,000, to remain available until September 30, 2012: Provided, That of the amounts provided under this heading, not less than $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.
DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including 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, $5,244,252,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and ac-
cessories therefor; specialized equipment and training devices; expansion of public and private plants, including 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, $1,257,053,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including 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,
$2,310,007,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

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, $2,049,995,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of eight vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; communications and
electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including 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, $9,395,444,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; 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, $18,079,312,000, to remain available for obligation until September 30, 2012.
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.

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,
$814,015,000, to remain available for obligation until Sep-
tember 30, 2012.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program, $739,269,000;
Carrier Replacement Program (AP),
$484,432,000;
NSSN, $1,964,317,000;
NSSN (AP), $1,959,725,000;
CVN Refueling, $1,563,602,000;
CVN Refuelings (AP), $211,820,000;
DDG–1000 Program, $1,393,797,000;
DDG–51 Destroyer, $3,650,000,000;
DDG–51 Destroyer (AP), $328,996,000;
Littoral Combat Ship, $1,080,000,000;
LPD–17, $872,392,000;
LPD–17 (AP), $184,555,000;
LHA–R (AP), $170,000,000;
Intratheater Connector, $177,956,000;
LCAC Service Life Extension Program, $63,857,000;
Prior year shipbuilding costs, $144,950,000;
Service Craft, $3,694,000; and
For outfitting, post delivery, conversions, and first destination transportation, $391,238,000.
In all: $15,384,600,000, to remain available for obligation until September 30, 2014: Provided, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading
shall be used for the construction of any naval vessel in foreign shipyards.

**Other Procurement, Navy**

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; 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, $5,499,413,000, to remain available for obligation until September 30, 2012.

**Procurement, Marine Corps**

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Gov-
ernment and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,550,080,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,148,720,000, to remain available for obligation until September 30, 2012.
MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $6,070,344,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

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,
$815,246,000, to remain available for obligation until Sep-
tember 30, 2012.

Other Procurement, Air Force

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

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,017,697,000, to remain available for obligation until September 30, 2012.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $1,500,000,000, to remain available for obligation until September 30, 2012: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.
DEFENSE PRODUCTION ACT PURCHASES

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

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,653,126,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,148,509,000, to remain available for obligation until September 30, 2011: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.
Research, Development, Test and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $28,049,015,000, to remain available for obligation until September 30, 2011.

Research, Development, Test and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,408,968,000, to remain available for obligation until September 30, 2011, of which $2,500,000 shall be available only for the Missile Defense Agency to construct a replacement Patriot launcher pad for the Japanese Ministry of Defense.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational
test and evaluation which is conducted prior to, and in sup-
port of, production decisions; joint operational testing and
evaluation; and administrative expenses in connection
therewith, $190,770,000, to remain available for obligation
until September 30, 2011.

TITLE V
REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS
For the Defense Working Capital Funds,
$1,455,004,000.

NATIONAL DEFENSE SEALIFT FUND
For National Defense Sealift Fund programs, projects,
and activities, and for expenses of the National Defense Re-
serve 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, $1,242,758,000, to remain available until ex-
pended: Provided, That none of the funds provided in this
paragraph shall be used to award a new contract that pro-
vides for the acquisition of any of the following major com-
ponents unless such components are manufactured in the
United States: auxiliary equipment, including pumps, for
all shipboard services; propulsion system components (en-
gines, reduction gears, and propellers); shipboard cranes;
and spreaders for shipboard cranes: Provided further, That
the exercise of an option in a contract awarded through the
obligation of previously appropriated funds shall not be
considered to be the award of a new contract: Provided fur-
ther, That the Secretary of the military department respon-
sible for such procurement may waive the restrictions in
the first proviso on a case-by-case basis by certifying in
writing to the Committees on Appropriations of the House
of Representatives and the Senate that adequate domestic
supplies are not available to meet Department of Defense
requirements on a timely basis and that such an acquisition
must be made in order to acquire capability for national
security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical
and health care programs of the Department of Defense as
authorized by law, $28,311,113,000; of which
$26,990,219,000 shall be for operation and maintenance, of
which not to exceed one percent shall remain available until
September 30, 2011, and of which up to $15,093,539,000
may be available for contracts entered into under the
TRICARE program; of which $322,142,000, to remain
available for obligation until September 30, 2012, shall be
for procurement; and of which $998,752,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation.

**Chemical Agents and Munitions Destruction, Defense**

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,539,869,000, of which $1,125,911,000 shall be for operation and maintenance, of which no less than $84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $34,905,000 for activities on military installations and $49,934,000, to remain available until September 30, 2011, to assist State and local governments; $12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than $12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $401,269,000, to remain available until September 30, 2011, shall be for research, development, test and
evaluation, of which $398,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

**DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE**

**(INCLUDING TRANSFER OF FUNDS)**

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,103,086,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

**OFFICE OF THE INSPECTOR GENERAL**

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector...
General Act of 1978, as amended, $288,100,000, of which $287,100,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $750,812,000.
TITLE VIII

GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.
Sec. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

Sec. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers’ Training Corps.

(TRANSFER OF FUNDS)

Sec. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case
where the item for which funds are requested has been de-
nied by the Congress: Provided further, That the Secretary
of Defense shall notify the Congress promptly of all transfers
made pursuant to this authority or any other authority in
this Act: Provided further, That no part of the funds in
this Act shall be available to prepare or present a request
to the Committees on Appropriations for reprogramming
of funds, unless for higher priority items, based on unfore-
seen military requirements, than those for which originally
appropriated and in no case where the item for which re-
programming is requested has been denied by the Congress:
Provided further, That a request for multiple
reprogrammings of funds using authority provided in this
section must be made prior to June 30, 2010: Provided fur-
ther, That transfers among military personnel appropria-
tions shall not be taken into account for purposes of the
limitation on the amount of funds that may be transferred
under this section: Provided further, That no obligation of
funds may be made pursuant to section 1206 of Public Law
109–163 (or any successor provision) unless the Secretary
of Defense has notified the congressional defense committees
prior to any such obligation.

SEC. 8006. (a) Not later than 60 days after enactment
of this Act, the Department of Defense shall submit a report
to the congressional defense committees to establish the base-
line for application of reprogramming and transfer au-
thorities for fiscal year 2010: Provided, That the report
shall include—

(1) a table for each appropriation with a separ-
ate 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 appropria-
tion both by budget activity and program, project,
and activity as detailed in the Budget Appendix; and

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

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

SEC. 8007. The Secretaries of the Air Force and the
Army are authorized, using funds available under the head-
ings “Operation and Maintenance, Air Force” and “Oper-
ation and Maintenance, Army”, to complete facility conver-
sions and phased repair projects which may include up-
grades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior
notification 30 calendar days in advance to the congressional defense committees.

sec. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award:

Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act:

Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a
present value analysis to determine lowest cost compared
to an annual procurement: Provided further, That none of
the funds provided in this Act may be used for a multiyear
contract executed after the date of the enactment of this Act
unless in the case of any such contract—

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

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

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

(4) the contract does not provide for a price ad-
justment based on a failure to award a follow-on con-
tract.
SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the
Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

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

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

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

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Af-
fairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

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

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—
(A) 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into
a contract for the performance of any commercial or industrial type function of the Department of Defense that—

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with,
subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

Sec. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

Sec. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially
all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congress-
sional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or
a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

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

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $25,756,000 shall be available for the Civil Air Patrol Corporation, of which—
(1) $22,433,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

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

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

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

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting
in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

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

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,100 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded
in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

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

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet
Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.
SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.
(c) For purposes of this section, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).


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

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units.
that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital
Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any
prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.
SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.
SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.
Sec. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

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

(c) This section does not apply to—

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

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.
SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:


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

“Other Procurement, Army, 2009/2011”, $138,239,000;


“Missile Procurement, Air Force, 2009/2011”, $147,595,000;

“Other Procurement, Air Force, 2009/2011”, $5,000,000;

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

“Procurement, Defense-Wide, 2008/2010”, $2,000,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (ci-
214

vilian) technicians of the Army National Guard, Air Na-

tional Guard, Army Reserve and Air Force Reserve for the

purpose of applying any administratively imposed civilian

personnel ceiling, freeze, or reduction on military (civilian)
technicians, unless such reductions are a direct result of a

reduction in military force structure.

SEC. 8042. None of the funds appropriated or other-

wise made available in this Act may be obligated or ex-

pended for assistance to the Democratic People’s Republic

of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for oper-

ation and maintenance of the Military Departments, Com-

batant Commands and Defense Agencies shall be available

for reimbursement of pay, allowances and other expenses

which would otherwise be incurred against appropriations

for the National Guard and Reserve when members of the

National Guard and Reserve provide intelligence or coun-

terintelligence support to Combatant Commands, Defense

Agencies and Joint Intelligence Activities, including the ac-

tivities and programs included within the National Intel-

ligence Program and the Military Intelligence Program:

Provided, That nothing in this section authorizes deviation

from established Reserve and National Guard personnel and

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

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive
this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

Sec. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

Sec. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the
express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

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

(c) A notice under subsection (a) shall include the following—
(1) A description of the equipment, supplies, or services to be transferred.

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

(3) In the case of a proposed transfer of equipment or supplies—

   (A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

   (B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

(2) such bonus is part of restructuring costs associated with a business combination.
(INCLUDING TRANSFER OF FUNDS)

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

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

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be
paid to any individual by reason of subsection (a) for any period before that date.

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

**SEC. 8053.** (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

**SEC. 8054.** Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany; Provided, That in the City of Kaiserslautern such agreements
will include the use of United States anthracite as the base
load energy for municipal district heat to the United States
Defense installations: Provided further, That at Landstuhl
Army Regional Medical Center and Ramstein Air Base,
furnished heat may be obtained from private, regional or
municipal services, if provisions are included for the con-
sideration of United States coal as an energy source.

Sec. 8055. None of the funds appropriated in title IV
of this Act may be used to procure end-items for delivery
to military forces for operational training, operational use
or inventory requirements: Provided, That this restriction
does not apply to end-items used in development, proto-
typing, and test activities preceding and leading to accept-
ance for operational use: Provided further, That this restric-
tion does not apply to programs funded within the National
Intelligence Program: Provided further, That the Secretary
of Defense may waive this restriction on a case-by-case basis
by certifying in writing to the Committees on Appropria-
tions of the House of Representatives and the Senate that
it is in the national security interest to do so.

Sec. 8056. None of the funds made available in this
Act may be used to approve or license the sale of the F–
22A advanced tactical fighter to any foreign government:
Provided, That the Department of Defense may conduct or
participate in studies, research, design and other activities
to define and develop a future export version of the F-22A
that protects classified and sensitive information, tech-
nologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a
case-by-case basis, waive with respect to a foreign country
each limitation on the procurement of defense items from
foreign sources provided in law if the Secretary determines
that the application of the limitation with respect to that
country would invalidate cooperative programs entered into
between the Department of Defense and the foreign country,
or would invalidate reciprocal trade agreements for the pro-
curement of defense items entered into under section 2531
of title 10, United States Code, and the country does not
discriminate against the same or similar defense items pro-
duced in the United States for that country.

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

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

(2) options for the procurement of items that are
exercised after such date under contracts that are en-
tered into before such date if the option prices are ad-
justed for any reason other than the application of a
waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation re-
garding construction of public vessels, ball and roller bear-
ings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall
submit a report to the congressional defense committees de-
scribing the extraordinary circumstances, the purpose and
duration of the training program, the United States forces
and the foreign security forces involved in the training pro-
gram, and the information relating to human rights viola-
tions that necessitates the waiver.

SEC. 8059. None of the funds appropriated or made
available in this Act to the Department of the Navy shall
be used to develop, lease or procure the T–AKE class of ships
unless the main propulsion diesel engines and propulsors
are manufactured in the United States by a domestically
operated entity: Provided, That the Secretary of Defense
may waive this restriction on a case-by-case basis by certi-
fying in writing to the Committees on Appropriations of
the House of Representatives and the Senate that adequate
domestic supplies are not available to meet Department of
Defense requirements on a timely basis and that such an
acquisition must be made in order to acquire capability for
national security purposes or there exists a significant cost
or quality difference.

SEC. 8060. None of the funds appropriated or other-
wise made available by this or other Department of Defense
Appropriations Acts may be obligated or expended for the
purpose of performing repairs or maintenance to military
family housing units of the Department of Defense, includ-
ing areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8062. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8063. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than
90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API–T)”, except to an entity performing...
demilitarization services for the Department of Defense
under a contract that requires the entity to demonstrate to
the satisfaction of the Department of Defense that armor
piercing projectiles are either: (1) rendered incapable of
reuse by the demilitarization process; or (2) used to manu-
ufacture ammunition pursuant to a contract with the De-
partment of Defense or the manufacture of ammunition for
export pursuant to a License for Permanent Export of Un-
classified Military Articles issued by the Department of
State.

SEC. 8066. Notwithstanding any other provision of
law, the Chief of the National Guard Bureau, or his des-
ignee, may waive payment of all or part of the consider-
ation that otherwise would be required under section 2667
of title 10, United States Code, in the case of a lease of
personal property for a period not in excess of 1 year to
any organization specified in section 508(d) of title 32,
United States Code, or any other youth, social, or fraternal
nonprofit organization as may be approved by the Chief
of the National Guard Bureau, or his designee, on a case-
by-case basis.

SEC. 8067. None of the funds appropriated by this Act
shall be used for the support of any nonappropriated funds
activity of the Department of Defense that procures malt
beverages and wine with nonappropriated funds for resale
(including such alcoholic beverages sold by the drink) on
a military installation located in the United States unless
such malt beverages and wine are procured within that
State, or in the case of the District of Columbia, within
the District of Columbia, in which the military installation
is located: Provided, That in a case in which the military
installation is located in more than one State, purchases
may be made in any State in which the installation is lo-
cated: Provided further, That such local procurement re-
quirements for malt beverages and wine shall apply to all
alcoholic beverages only for military installations in States
which are not contiguous with another State: Provided fur-
ther, That alcoholic beverages other than wine and malt bev-
erages, in contiguous States and the District of Columbia
shall be procured from the most competitive source, price
and other factors considered.

Sec. 8068. Funds available to the Department of De-
fense for the Global Positioning System during the current
fiscal year may be used to fund civil requirements associ-
ated with the satellite and ground control segments of such
system’s modernization program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8069. Of the amounts appropriated in this Act
under the heading “Operation and Maintenance, Army”,
$106,754,000 shall remain available until expended: Pro-
vided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Sec. 8070. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8071. Of the amounts appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, $202,434,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount,
$80,092,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, $50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $72,306,000 shall be for the Arrow Missile Defense Program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel’s defense requirements, consistent with each nation’s laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, $144,950,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts
transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading “Shipbuilding and Conversion, Navy, 2004/2010”:

- New SSN, $26,906,000; and
- LPD–17 Amphibious Transport Dock Program, $16,844,000.

Under the heading “Shipbuilding and Conversion, Navy, 2005/2010”:

- New SSN, $18,702,000; and
- LPD–17 Amphibious Transport Dock Program, $16,498,000.

Under the heading “Shipbuilding and Conversion, Navy, 2008/2012”:

- LPD–17 Amphibious Transport Dock Program, $66,000,000.

SEC. 8073. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.
Sec. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

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

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

Sec. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.
SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a re-programming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: Provided, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: Provided further, That up to 5 percent of the total appropriated funds under this section shall be available to public schools that have entered into a military partnership: Provided further, That $1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance.
projects: Provided further, That $500,000 shall be available
to fund an ongoing special education support program in
public schools with unusually high concentrations of active
duty military dependents enrolled: Provided further, That
to the extent a Federal agency provides this assistance by
contract, grant, or otherwise, it may accept and expend
non-Federal funds in combination with these Federal funds
to provide assistance for the authorized purpose.

SEC. 8078. In addition to the amounts appropriated
or otherwise made available elsewhere in this Act,
$50,500,000 is hereby appropriated to the Department of
Defense: Provided, That the Secretary of Defense shall make
grants in the amounts specified as follows: $20,000,000 to
the Edward M. Kennedy Institute for the Senate;
$5,500,000 to the U.S.S. Missouri Memorial Association;
and $25,000,000 to the National World War II Museum.

SEC. 8079. The budget of the President for fiscal year
2011 submitted to the Congress pursuant to section 1105
of title 31, United States Code, shall include separate budget
justification documents for costs of United States Armed
Forces’ participation in contingency operations for the
Military Personnel accounts, the Operation and Mainte-
nance accounts, and the Procurement accounts: Provided,
That these documents shall include a description of the
funding requested for each contingency operation, for each
military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8080. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to per-
form other missions in support of national defense require-
ments during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall
be available for integration of foreign intelligence informa-
tion unless the information has been lawfully collected and
processed during the conduct of authorized foreign intel-
ligence activities: Provided, That information pertaining to
United States persons shall only be handled in accordance
with protections provided in the Fourth Amendment of the
United States Constitution as implemented through Execu-
tive Order No. 12333.

SEC. 8083. (a) At the time members of reserve compo-
nents of the Armed Forces are called or ordered to active
duty under section 12302(a) of title 10, United States Code,
each member shall be notified in writing of the expected
period during which the member will be mobilized.

(b) The Secretary of Defense may waive the require-
ments of subsection (a) in any case in which the Secretary
determines that it is necessary to do so to respond to a na-
tional security emergency or to meet dire operational re-
quirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer
funds from any available Department of the Navy appro-
priation to any available Navy ship construction appro-
appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

Sec. 8085. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading “Shipbuilding and Conversion, Navy” that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in the current fiscal year or any prior fiscal year.

Sec. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, ac-
quisition, or other program authority relating to current
tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and oper-

tional control of the MQ-1C Sky Warrior Unmanned Aeri-

al Vehicle (UAV) in order to support the Secretary of De-
fense in matters relating to the employment of unmanned
aerial vehicles.

SEC. 8087. Of the funds provided in this Act, $10,000,000 shall be available for the operations and develop-
ment of training and technology for the Joint Inter-
agency Training and Education Center and the affiliated
Center for National Response at the Memorial Tunnel and
for providing homeland defense/security and traditional
warfighting training to the Department of Defense, other
Federal agencies, and State and local first responder per-
sonnel at the Joint Interagency Training and Education
Center.

SEC. 8088. Notwithstanding any other provision of
law or regulation, the Secretary of Defense may adjust wage
rates for civilian employees hired for certain health care
occupations as authorized for the Secretary of Veterans Af-
fairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to $16,000,000 of the funds appro-
 priated under the heading “Operation and Maintenance,
Navy” may be made available for the Asia Pacific Regional
Initiative Program for the purpose of enabling the Pacific
Command to execute Theater Security Cooperation activi-
ties such as humanitarian assistance, and payment of in-
cremental and personnel costs of training and exercising
with foreign security forces: Provided, That funds made
available for this purpose may be used, notwithstanding
any other funding authorities for humanitarian assistance,
security assistance or combined exercise expenses: Provided
further, That funds may not be obligated to provide assist-
ance to any foreign country that is otherwise prohibited
from receiving such type of assistance under any other pro-
vision of law.

SEC. 8090. None of the funds appropriated by this Act
for programs of the Office of the Director of National Intel-
ligence shall remain available for obligation beyond the cur-
rent fiscal year, except for funds appropriated for research
and technology, which shall remain available until Sep-
tember 30, 2011.

SEC. 8091. Notwithstanding any other provision of
this Act, to reflect savings from revised economic assump-
tions, the total amount appropriated in title II of this Act
is hereby reduced by $294,000,000, the total amount appro-
piated in title III of this Act is hereby reduced by
$322,000,000, the total amount appropriated in title IV of
this Act is hereby reduced by $236,000,000, and the total
amount appropriated in title V of this Act is hereby reduced by $9,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8092. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8093. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8094. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Pro-
(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8095. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

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

SEC. 8096. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application 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. 8097. 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 proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8098. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8099. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Manage-

Sec. 8100. The amounts appropriated in title II of this Act are hereby reduced by $500,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

From “Operation and Maintenance, Air Force”, $500,000,000.

Sec. 8101. During the current fiscal year, not to exceed $10,000,000 from each of the appropriations made in title III 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.

Sec. 8102. 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 funds transferred under this provision are to be merged with and available for the same purposes

•HR 3326 RS
and time period as the appropriation to which transferred:

Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8103. Funds appropriated by this Act for operation and maintenance shall be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, $9,597,340,000.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $1,175,601,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, $670,722,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $1,445,376,000.
Reserve Personnel, Army
For an additional amount for “Reserve Personnel, Army”, $293,637,000.

Reserve Personnel, Navy
For an additional amount for “Reserve Personnel, Navy”, $37,040,000.

Reserve Personnel, Marine Corps
For an additional amount for “Reserve Personnel, Marine Corps”, $31,337,000.

Reserve Personnel, Air Force
For an additional amount for “Reserve Personnel, Air Force”, $19,822,000.

National Guard Personnel, Army
For an additional amount for “National Guard Personnel, Army”, $824,966,000.

National Guard Personnel, Air Force
For an additional amount for “National Guard Personnel, Air Force”, $9,500,000.

Operation and Maintenance
Operation and Maintenance, Army
For an additional amount for “Operation and Maintenance, Army”, $51,928,167,000.

Operation and Maintenance, Navy
For an additional amount for “Operation and Maintenance, Navy”, $5,899,597,000.
OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, $3,775,270,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, $9,929,868,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, $7,550,900,000, of which:

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

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion,
based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

**Operation and Maintenance, Army Reserve**

For an additional amount for “Operation and Maintenance, Army Reserve”, $234,898,000.

**Operation and Maintenance, Navy Reserve**

For an additional amount for “Operation and Maintenance, Navy Reserve”, $68,059,000.
For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $86,667,000.

For an additional amount for “Operation and Maintenance, Air Force Reserve”, $125,925,000.

For an additional amount for “Operation and Maintenance, Army National Guard”, $450,246,000.

For an additional amount for “Operation and Maintenance, Air National Guard”, $289,862,000.

For the “Afghanistan Security Forces Fund”, $6,562,769,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading
is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $1,119,319,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, $475,954,000, to remain available until September 30, 2012.
PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $875,866,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $365,635,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, $4,874,176,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $1,342,577,000, to remain available until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, $50,700,000, to remain available until September 30, 2012.
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $681,957,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, $260,118,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, $868,197,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $736,501,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, $36,625,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, $256,819,000, to remain available until September 30, 2012.
OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $3,138,021,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $480,780,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $6,656,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers
from this appropriation, notify the congressional defense
committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY
For an additional amount for “Research, Development, Test and Evaluation, Army”, $57,962,000, to remain
available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
For an additional amount for “Research, Development, Test and Evaluation, Navy”, $84,180,000, to remain
available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR
Force
For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $39,286,000, to re-
main available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
DEFENSE-WIDE
For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $112,196,000,
to remain available until September 30, 2011.
REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS


OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $1,563,675,000, which shall be for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

For an additional amount for “Drug Interdiction and Counter-Drug Activities”, $353,603,000, to remain available until September 30, 2011.

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

For the “Joint Improvised Explosive Device Defeat Fund”, $2,033,560,000, to remain available until September 30, 2012: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the
enactment of this Act, a plan for the intended management
and use of the amounts provided under this heading shall
be submitted to the congressional defense committees: Pro-
vided further, That the Secretary of Defense shall submit
a report not later than 60 days after the end of each fiscal
quarter to the congressional defense committees providing
assessments of the evolving threats, individual service re-
quirements to counter the threats, the current strategy for
predeployment training of members of the Armed Forces on
improvised explosive devices, and details on the execution
of this Fund: Provided further, That the Secretary of De-
fense may transfer funds provided herein to appropriations
for operation and maintenance; procurement; research, de-
velopment, test and evaluation; and defense working capital
funds to accomplish the purpose provided herein: Provided
further, That amounts transferred shall be merged with and
available for the same purposes and time period as the ap-
propriations to which transferred: Provided further, That
this transfer authority is in addition to any other transfer
authority available to the Department of Defense: Provided
further, That the Secretary of Defense shall, not fewer than
15 days prior to making transfers from this appropriation,
notify the congressional defense committees in writing of
the details of any such transfer.
For an additional amount for the “Office of the Inspector General”, $8,876,000.

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: Provided further, That the amount in this section is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Con-
gress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $1,200,000,000 of the amount appropriated in this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program, for the purpose of enabling mili-
tary commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. Each amount in this title is designated as being for overseas deployments and other activities pursuant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.
Sec. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

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

Sec. 9009. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander of the United States Central Command; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings “Iraq Security Forces Fund”, “Afghanistan Security Forces Fund”, and “Pakistan Counterinsurgency Fund” on a project-by-project basis, for which the
obligation of funds is anticipated during the 3-month pe-
riod from such date, including estimates by the commanders
referred to in this section of the costs required to complete
each such project.

(b) The report required by this subsection shall include
the following:

(1) The use of all funds on a project-by-project
basis for which funds appropriated under the head-
ings referred to in subsection (a) were obligated prior
to the submission of the report, including estimates by
the commanders referred to in subsection (a) of the
costs to complete each project.

(2) The use of all funds on a project-by-project
basis for which funds were appropriated under the
headings referred to in subsection (a) in prior appro-
priations Acts, or for which funds were made avail-
able by transfer, reprogramming, or allocation from
other headings in prior appropriations Acts, includ-
ing estimates by the commanders referred to in sub-
section (a) of the costs to complete each project.

(3) An estimated total cost to train and equip
the Iraq, Afghanistan, and Pakistan security forces,
disaggregated by major program and sub-elements by
force, arrayed by fiscal year.
(c) The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $20,000,000 using funds appropriated by this or any prior Act under the headings “Iraq Security Forces Fund”, “Afghanistan Security Forces Fund”, and “Pakistan Counter-insurgency Fund”.

Sec. 9010. (a) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States or its territories.

(b) In this section, the term “United States” means the several States and the District of Columbia.

Sec. 9011. In addition to amounts made available elsewhere in this title there is hereby appropriated $329,000,000 for the purchase of fuel to the following accounts in the specified amounts:

“Operation and Maintenance, Army”,
$83,552,000;

“Operation and Maintenance, Navy”,
$33,889,000;

“Operation and Maintenance, Marine Corps”,
$1,619,000;
“Operation and Maintenance, Air Force”, $179,191,000;
“Operation and Maintenance, Army Reserve”, $8,567,000;
“Operation and Maintenance, Navy Reserve”, $3,007,000;
“Operation and Maintenance, Marine Corps Reserve”, $39,000; and
“Operation and Maintenance, Army National Guard”, $19,136,000.

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