

Calendar No. 571111TH CONGRESS
2^D SESSION**S. 3800****[Report No. 111-295]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2010

Mr. INOUE, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military functions administered by the Department of De-
6 fense and for other purposes, namely:

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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, \$41,822,277,000.

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,

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$25,916,549,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$13,203,161,000.

14 MILITARY PERSONNEL, AIR FORCE

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

1 ment of Defense Military Retirement Fund,
2 \$27,105,755,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$4,321,165,000.

16 RESERVE PERSONNEL, NAVY

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

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,944,191,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$612,141,000.

18 RESERVE PERSONNEL, AIR FORCE

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

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,652,997,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Army Na-
9 tional Guard while on duty under section 10211, 10302,
10 or 12402 of title 10 or section 708 of title 32, United
11 States Code, or while serving on duty under section
12 12301(d) of title 10 or section 502(f) of title 32, United
13 States Code, in connection with performing duty specified
14 in section 12310(a) of title 10, United States Code, or
15 while undergoing training, or while performing drills or
16 equivalent duty or other duty, and expenses authorized by
17 section 16131 of title 10, United States Code; and for pay-
18 ments to the Department of Defense Military Retirement
19 Fund, \$7,513,796,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 title 10 or section 502(f) of title 32, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going training, or while performing drills or equivalent
5 duty or other duty, and expenses authorized by section
6 16131 of title 10, United States Code; and for payments
7 to the Department of Defense Military Retirement Fund,
8 \$3,061,264,000.

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of the Army, as author-
14 ized by law; and not to exceed \$12,478,000 can be used
15 for emergencies and extraordinary expenses, to be ex-
16 pended on the approval or authority of the Secretary of
17 the Army, and payments may be made on his certificate
18 of necessity for confidential military purposes,
19 \$34,239,764,000.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Navy and the
23 Marine Corps, as authorized by law; and not to exceed
24 \$14,804,000 can be used for emergencies and extraor-
25 dinary expenses, to be expended on the approval or author-

1 ity of the Secretary of the Navy, and payments may be
2 made on his certificate of necessity for confidential mili-
3 tary purposes, \$37,959,579,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance of the Marine Corps,
7 as authorized by law, \$5,579,540,000.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Air Force, as
11 authorized by law; and not to exceed \$7,699,000 can be
12 used for emergencies and extraordinary expenses, to be ex-
13 pended on the approval or authority of the Secretary of
14 the Air Force, and payments may be made on his certifi-
15 cate of necessity for confidential military purposes,
16 \$36,517,070,000.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of activities and agen-
21 cies of the Department of Defense (other than the military
22 departments), as authorized by law, \$30,257,819,000:
23 *Provided*, That not more than \$50,000,000 may be used
24 for the Combatant Commander Initiative Fund authorized
25 under section 166a of title 10, United States Code: *Pro-*

1 *vided further*, That not to exceed \$36,000,000 can be used
2 for emergencies and extraordinary expenses, to be ex-
3 pended on the approval or authority of the Secretary of
4 Defense, and payments may be made on his certificate of
5 necessity for confidential military purposes: *Provided fur-*
6 *ther*, That of the funds provided under this heading, not
7 less than \$33,459,000 shall be made available for the Pro-
8 curement Technical Assistance Cooperative Agreement
9 Program, of which not less than \$3,600,000 shall be avail-
10 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
11 *vided further*, That none of the funds appropriated or oth-
12 erwise made available by this Act may be used to plan
13 or implement the consolidation of a budget or appropria-
14 tions liaison office of the Office of the Secretary of De-
15 fense, the office of the Secretary of a military department,
16 or the service headquarters of one of the Armed Forces
17 into a legislative affairs or legislative liaison office: *Pro-*
18 *vided further*, That \$8,251,000, to remain available until
19 expended, is available only for expenses relating to certain
20 classified activities, and may be transferred as necessary
21 by the Secretary of *Defense* to operation and maintenance
22 appropriations or research, development, test and evalua-
23 tion appropriations, to be merged with and to be available
24 for the same time period as the appropriations to which
25 transferred: *Provided further*, That any ceiling on the in-

1 vestment item unit cost of items that may be purchased
2 with operation and maintenance funds shall not apply to
3 the funds described in the preceding proviso: *Provided fur-*
4 *ther*, That the transfer authority provided under this head-
5 ing is in addition to any other transfer authority provided
6 elsewhere in this Act.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance, including training, or-
10 ganization, and administration, of the Army Reserve; re-
11 pair of facilities and equipment; hire of passenger motor
12 vehicles; travel and transportation; care of the dead; re-
13 cruiting; procurement of services, supplies, and equip-
14 ment; and communications, \$2,869,077,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance, including training, or-
18 ganization, and administration, of the Navy Reserve; re-
19 pair of facilities and equipment; hire of passenger motor
20 vehicles; travel and transportation; care of the dead; re-
21 cruiting; procurement of services, supplies, and equip-
22 ment; and communications, \$1,367,764,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$285,234,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,299,827,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$6,532,642,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For expenses of training, organizing, and admin-
12 istering the Air National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; transportation of things, hire of pas-
16 senger motor vehicles; supplying and equipping the Air
17 National Guard, as authorized by law; expenses for repair,
18 modification, maintenance, and issue of supplies and
19 equipment, including those furnished from stocks under
20 the control of agencies of the Department of Defense;
21 travel expenses (other than mileage) on the same basis as
22 authorized by law for Air National Guard personnel on
23 active Federal duty, for Air National Guard commanders
24 while inspecting units in compliance with National Guard

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$5,947,124,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$14,068,000, of which not to exceed \$5,000 may be used
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$469,581,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

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

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$304,867,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Navy shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris of the Department of the Navy, or
12 for similar purposes, transfer the funds made available by
13 this appropriation to other appropriations made available
14 to the Department of the Navy, to be merged with and
15 to be available for the same purposes and for the same
16 time period as the appropriations to which transferred:
17 *Provided further*, That upon a determination that all or
18 part of the funds transferred from this appropriation are
19 not necessary for the purposes provided herein, such
20 amounts may be transferred back to this appropriation:
21 *Provided further*, That the transfer authority provided
22 under this heading is in addition to any other transfer au-
23 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$502,653,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$10,744,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

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

19 For the Department of the Army, \$326,546,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
14 Disaster, and Civic Aid programs of the Department of
15 Defense (consisting of the programs provided under sec-
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
17 United States Code), \$108,032,000, to remain available
18 until September 30, 2012.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance to the republics of the former Soviet
21 Union and, with appropriate authorization by the Depart-
22 ment of Defense and Department of State, to countries
23 outside of the former Soviet Union, including assistance
24 provided by contract or by grants, for facilitating the
25 elimination and the safe and secure transportation and

1 storage of nuclear, chemical and other weapons; for estab-
2 lishing programs to prevent the proliferation of weapons,
3 weapons components, and weapon-related technology and
4 expertise; for programs relating to the training and sup-
5 port of defense and military personnel for demilitarization
6 and protection of weapons, weapons components and
7 weapons technology and expertise, and for defense and
8 military contacts, \$522,512,000, to remain available until
9 September 30, 2013: *Provided*, That of the amounts pro-
10 vided under this heading, not less than \$15,000,000 shall
11 be available only to support the dismantling and disposal
12 of nuclear submarines, submarine reactor components,
13 and security enhancements for transport and storage of
14 nuclear warheads in the Russian Far East and North.

15 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
16 DEVELOPMENT FUND

17 For the Department of Defense Acquisition Work-
18 force Development Fund, \$217,561,000.

19 TITLE III
20 PROCUREMENT

21 AIRCRAFT PROCUREMENT, ARMY

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

1 devices; expansion of public and private plants, including
2 the land necessary therefor, for the foregoing purposes,
3 and such lands and interests therein, may be acquired,
4 and construction prosecuted thereon prior to approval of
5 title; and procurement and installation of equipment, ap-
6 pliances, and machine tools in public and private plants;
7 reserve plant and Government and contractor-owned
8 equipment layaway; and other expenses necessary for the
9 foregoing purposes, \$5,604,529,000, to remain available
10 for obligation until September 30, 2013.

11 MISSILE PROCUREMENT, ARMY

12 For construction, procurement, production, modifica-
13 tion, and modernization of missiles, equipment, including
14 ordnance, ground handling equipment, spare parts, and
15 accessories therefor; specialized equipment and training
16 devices; expansion of public and private plants, including
17 the land necessary therefor, for the foregoing purposes,
18 and such lands and interests therein, may be acquired,
19 and construction prosecuted thereon prior to approval of
20 title; and procurement and installation of equipment, ap-
21 pliances, and machine tools in public and private plants;
22 reserve plant and Government and contractor-owned
23 equipment layaway; and other expenses necessary for the
24 foregoing purposes, \$1,615,108,000, to remain available
25 for obligation until September 30, 2013.

1 proval of title; and procurement and installation of equip-
2 ment, appliances, and machine tools in public and private
3 plants; reserve plant and Government and contractor-
4 owned equipment layaway; and other expenses necessary
5 for the foregoing purposes, \$1,860,395,000, to remain
6 available for obligation until September 30, 2013.

7 OTHER PROCUREMENT, ARMY

8 For construction, procurement, production, and
9 modification of vehicles, including tactical, support, and
10 non-tracked combat vehicles; the purchase of passenger
11 motor vehicles for replacement only; communications and
12 electronic equipment; other support equipment; spare
13 parts, ordnance, and accessories therefor; specialized
14 equipment and training devices; expansion of public and
15 private plants, including the land necessary therefor, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon prior to approval of title; and procurement and
19 installation of equipment, appliances, and machine tools
20 in public and private plants; reserve plant and Govern-
21 ment and contractor-owned equipment layaway; and other
22 expenses necessary for the foregoing purposes,
23 \$8,150,227,000, to remain available for obligation until
24 September 30, 2013.

1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of aircraft, equipment, including
4 ordnance, spare parts, and accessories therefor; specialized
5 equipment; expansion of public and private plants, includ-
6 ing the land necessary therefor, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway,
12 \$17,614,249,000, to remain available for obligation until
13 September 30, 2013.

14 WEAPONS PROCUREMENT, NAVY

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

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

7 Carrier Replacement Program, \$1,731,256,000;
8 Carrier Replacement Program (AP),
9 \$908,313,000;
10 NSSN, \$3,441,452,000;
11 NSSN (AP), \$1,691,236,000;
12 CVN Refueling, \$1,255,799,000;
13 CVN Refuelings (AP), \$408,037,000;
14 DDG-1000 Program, \$186,312,000;
15 DDG-51 Destroyer, \$2,922,190,000;
16 DDG-51 Destroyer (AP), \$47,984,000;
17 Littoral Combat Ship, \$615,492,000;
18 Littoral Combat Ship (AP), \$278,351,000;
19 LHA-R, \$949,897,000;
20 Joint High Speed Vessel, \$180,703,000;
21 Oceanographic Ships, \$88,561,000;
22 LCAC Service Life Extension Program,
23 \$83,035,000;
24 Service Craft, \$13,770,000; and

1 For outfitting, post delivery, conversions, and
2 first destination transportation, \$306,640,000.

3 In all: \$15,109,028,000, to remain available for obli-
4 gation until September 30, 2015: *Provided*, That addi-
5 tional obligations may be incurred after September 30,
6 2015, for engineering services, tests, evaluations, and
7 other such budgeted work that must be performed in the
8 final stage of ship construction: *Provided further*, That
9 none of the funds provided under this heading for the con-
10 struction or conversion of any naval vessel to be con-
11 structed in shipyards in the United States shall be ex-
12 pended in foreign facilities for the construction of major
13 components of such vessel: *Provided further*, That none
14 of the funds provided under this heading shall be used
15 for the construction of any naval vessel in foreign ship-
16 yards.

17 OTHER PROCUREMENT, NAVY

18 For procurement, production, and modernization of
19 support equipment and materials not otherwise provided
20 for, Navy ordnance (except ordnance for new aircraft, new
21 ships, and ships authorized for conversion); the purchase
22 of passenger motor vehicles for replacement only, and the
23 purchase of seven vehicles required for physical security
24 of personnel, notwithstanding price limitations applicable
25 to passenger vehicles but not to exceed \$250,000 per vehi-

1 cle; expansion of public and private plants, including the
2 land necessary therefor, and such lands and interests
3 therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; and procurement and
5 installation of equipment, appliances, and machine tools
6 in public and private plants; reserve plant and Govern-
7 ment and contractor-owned equipment layaway,
8 \$5,986,185,000, to remain available for obligation until
9 September 30, 2013.

10 PROCUREMENT, MARINE CORPS

11 For expenses necessary for the procurement, manu-
12 facture, and modification of missiles, armament, military
13 equipment, spare parts, and accessories therefor; plant
14 equipment, appliances, and machine tools, and installation
15 thereof in public and private plants; reserve plant and
16 Government and contractor-owned equipment layaway; ve-
17 hicles for the Marine Corps, including the purchase of pas-
18 senger motor vehicles for replacement only; and expansion
19 of public and private plants, including land necessary
20 therefor, and such lands and interests therein, may be ac-
21 quired, and construction prosecuted thereon prior to ap-
22 proval of title, \$1,293,956,000, to remain available for ob-
23 ligation until September 30, 2013.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 aircraft and equipment, including armor and armament,
4 specialized ground handling equipment, and training de-
5 vices, spare parts, and accessories therefor; specialized
6 equipment; expansion of public and private plants, Gov-
7 ernment-owned equipment and installation thereof in such
8 plants, erection of structures, and acquisition of land, for
9 the foregoing purposes, and such lands and interests
10 therein, may be acquired, and construction prosecuted
11 thereon prior to approval of title; reserve plant and Gov-
12 ernment and contractor-owned equipment layaway; and
13 other expenses necessary for the foregoing purposes in-
14 cluding rents and transportation of things,
15 \$13,495,310,000, to remain available for obligation until
16 September 30, 2013.

17 MISSILE PROCUREMENT, AIR FORCE

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

1 construction prosecuted thereon prior to approval of title;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes including rents and transportation of
5 things, \$5,454,264,000, to remain available for obligation
6 until September 30, 2013.

7 PROCUREMENT OF AMMUNITION, AIR FORCE

8 For construction, procurement, production, and
9 modification of ammunition, and accessories therefor; spe-
10 cialized equipment and training devices; expansion of pub-
11 lic and private plants, including ammunition facilities, au-
12 thorized by section 2854 of title 10, United States Code,
13 and the land necessary therefor, for the foregoing pur-
14 poses, and such lands and interests therein, may be ac-
15 quired, and construction prosecuted thereon prior to ap-
16 proval of title; and procurement and installation of equip-
17 ment, appliances, and machine tools in public and private
18 plants; reserve plant and Government and contractor-
19 owned equipment layaway; and other expenses necessary
20 for the foregoing purposes, \$750,167,000, to remain avail-
21 able for obligation until September 30, 2013.

22 OTHER PROCUREMENT, AIR FORCE

23 For procurement and modification of equipment (in-
24 cluding ground guidance and electronic control equipment,
25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-
2 erwise provided for; the purchase of passenger motor vehi-
3 cles for replacement only, and the purchase of two vehicles
4 required for physical security of personnel, notwith-
5 standing price limitations applicable to passenger vehicles
6 but not to exceed \$250,000 per vehicle; lease of passenger
7 motor vehicles; and expansion of public and private plants,
8 Government-owned equipment and installation thereof in
9 such plants, erection of structures, and acquisition of land,
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon, prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$17,721,506,000, to remain available for obligation until
15 September 30, 2013.

16 PROCUREMENT, DEFENSE-WIDE

17 For expenses of activities and agencies of the Depart-
18 ment of Defense (other than the military departments)
19 necessary for procurement, production, and modification
20 of equipment, supplies, materials, and spare parts there-
21 for, not otherwise provided for; the purchase of passenger
22 motor vehicles for replacement only; expansion of public
23 and private plants, equipment, and installation thereof in
24 such plants, erection of structures, and acquisition of land
25 for the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; reserve plant and Gov-
3 ernment and contractor-owned equipment layaway,
4 \$3,995,835,000, to remain available for obligation until
5 September 30, 2013.

6 NATIONAL GUARD AND RESERVE EQUIPMENT

7 For procurement of aircraft, missiles, tracked combat
8 vehicles, ammunition, other weapons and other procure-
9 ment for the reserve components of the Armed Forces,
10 \$500,000,000, to remain available for obligation until Sep-
11 tember 30, 2013: *Provided*, That the Chiefs of National
12 Guard and Reserve components shall, not later than 30
13 days after the enactment of this Act, individually submit
14 to the congressional defense committees the modernization
15 priority assessment for their respective National Guard or
16 Reserve component.

17 DEFENSE PRODUCTION ACT PURCHASES

18 For activities by the Department of Defense pursuant
19 to sections 108, 301, 302, and 303 of the Defense Produc-
20 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
21 2093), \$79,446,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION
4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$10,513,704,000, to remain avail-
10 able for obligation until September 30, 2012.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$17,693,981,000, to remain avail-
17 able for obligation until September 30, 2012: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces:
21 *Provided further*, That funds appropriated in this para-
22 graph shall be available for the Cobra Judy program.

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

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$26,761,621,000, to remain avail-
7 able for obligation until September 30, 2012.

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

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments),
12 necessary for basic and applied scientific research, devel-
13 opment, test and evaluation; advanced research projects
14 as may be designated and determined by the Secretary
15 of Defense, pursuant to law; maintenance, rehabilitation,
16 lease, and operation of facilities and equipment,
17 \$21,029,479,000, to remain available for obligation until
18 September 30, 2012.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the independent activities of the Director, Operational
22 Test and Evaluation, in the direction and supervision of
23 operational test and evaluation, including initial oper-
24 ational test and evaluation which is conducted prior to,
25 and in support of, production decisions; joint operational

1 testing and evaluation; and administrative expenses in
2 connection therewith, \$194,910,000, to remain available
3 for obligation until September 30, 2012.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,
8 \$1,434,536,000.

9 NATIONAL DEFENSE SEALIFT FUND

10 For National Defense Sealift Fund programs,
11 projects, and activities, and for expenses of the National
12 Defense Reserve Fleet, as established by section 11 of the
13 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
14 and for the necessary expenses to maintain and preserve
15 a U.S.-flag merchant fleet to serve the national security
16 needs of the United States, \$1,037,866,000, to remain
17 available until expended: *Provided*, That none of the funds
18 provided in this paragraph shall be used to award a new
19 contract that provides for the acquisition of any of the
20 following major components unless such components are
21 manufactured in the United States: auxiliary equipment,
22 including pumps, for all shipboard services; propulsion
23 system components (engines, reduction gears, and propel-
24 lers); shipboard cranes; and spreaders for shipboard
25 cranes: *Provided further*, That the exercise of an option

1 in a contract awarded through the obligation of previously
2 appropriated funds shall not be considered to be the award
3 of a new contract: *Provided further*, That the Secretary
4 of the military department responsible for such procure-
5 ment may waive the restrictions in the first proviso on
6 a case-by-case basis by certifying in writing to the Com-
7 mittees on Appropriations of the House of Representatives
8 and the Senate that adequate domestic supplies are not
9 available to meet Department of Defense requirements on
10 a timely basis and that such an acquisition must be made
11 in order to acquire capability for national security pur-
12 poses.

13 TITLE VI

14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

15 DEFENSE HEALTH PROGRAM

16 For expenses, not otherwise provided for, for medical
17 and health care programs of the Department of Defense
18 as authorized by law, \$31,530,598,000; of which
19 \$29,999,764,000 shall be for operation and maintenance,
20 of which not to exceed 1 percent shall remain available
21 until September 30, 2012, and of which up to
22 \$16,458,121,000 may be available for contracts entered
23 into under the TRICARE program; of which
24 \$519,921,000, to remain available for obligation until Sep-
25 tember 30, 2013, shall be for procurement; and of which

1 \$1,010,913,000, to remain available for obligation until
2 September 30, 2012, shall be for research, development,
3 test and evaluation.

4 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
5 DEFENSE

6 For expenses, not otherwise provided for, necessary
7 for the destruction of the United States stockpile of lethal
8 chemical agents and munitions, to include construction of
9 facilities, in accordance with the provisions of section 1412
10 of the Department of Defense Authorization Act, 1986
11 (50 U.S.C. 1521), and for the destruction of other chem-
12 ical warfare materials that are not in the chemical weapon
13 stockpile, \$1,467,307,000, of which \$1,067,364,000 shall
14 be for operation and maintenance, of which no less than
15 \$111,178,000, shall be for the Chemical Stockpile Emer-
16 gency Preparedness Program, consisting of \$35,130,000
17 for activities on military installations and \$76,048,000, to
18 remain available until September 30, 2012, to assist State
19 and local governments; \$7,132,000 shall be for procure-
20 ment, to remain available until September 30, 2013, of
21 which no less than \$7,132,000 shall be for the Chemical
22 Stockpile Emergency Preparedness Program to assist
23 State and local governments; and \$392,811,000, to re-
24 main available until September 30, 2012, shall be for re-
25 search, development, test and evaluation, of which

1 \$385,868,000 shall only be for the Assembled Chemical
2 Weapons Alternatives (ACWA) program.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
4 DEFENSE
5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of
7 the Department of Defense, for transfer to appropriations
8 available to the Department of Defense for military per-
9 sonnel of the reserve components serving under the provi-
10 sions of title 10 and title 32, United States Code; for oper-
11 ation and maintenance; for procurement; and for research,
12 development, test and evaluation, \$1,198,016,000: *Pro-*
13 *vided*, That the funds appropriated under this heading
14 shall be available for obligation for the same time period
15 and for the same purpose as the appropriation to which
16 transferred: *Provided further*, That upon a determination
17 that all or part of the funds transferred from this appro-
18 priation are not necessary for the purposes provided here-
19 in, such amounts may be transferred back to this appro-
20 priation: *Provided further*, That the transfer authority pro-
21 vided under this heading is in addition to any other trans-
22 fer authority contained elsewhere in this Act.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the In-
25 spector General in carrying out the provisions of the In-

1 spector General Act of 1978, as amended, \$304,354,000,
2 of which \$303,354,000 shall be for operation and mainte-
3 nance, of which not to exceed \$700,000 is available for
4 emergencies and extraordinary expenses to be expended on
5 the approval or authority of the Inspector General, and
6 payments may be made on the Inspector General's certifi-
7 cate of necessity for confidential military purposes; and
8 of which \$1,000,000, to remain available until September
9 30, 2013, shall be for procurement.

10 TITLE VII

11 RELATED AGENCIES

12 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

13 DISABILITY SYSTEM FUND

14 For payment to the Central Intelligence Agency Re-
15 tirement and Disability System Fund, to maintain the
16 proper funding level for continuing the operation of the
17 Central Intelligence Agency Retirement and Disability
18 System, \$292,000,000.

19 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

20 For necessary expenses of the Intelligence Commu-
21 nity Management Account, \$721,692,000.

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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, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *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

1 State under the Foreign Service Act of 1980: *Provided*
2 *further*, That the limitations of this provision shall not
3 apply to foreign national employees of the Department of
4 Defense in the Republic of Turkey.

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

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

15 (TRANSFER OF FUNDS)

16 SEC. 8005. Upon determination by the Secretary of
17 Defense that such action is necessary in the national inter-
18 est, he may, with the approval of the Office of Manage-
19 ment and Budget, transfer not to exceed \$4,500,000,000
20 of working capital funds of the Department of Defense
21 or funds made available in this Act to the Department
22 of Defense for military functions (except military con-
23 struction) between such appropriations or funds or any
24 subdivision thereof, to be merged with and to be available
25 for the same purposes, and for the same time period, as

1 the appropriation or fund to which transferred: *Provided*,
2 That such authority to transfer may not be used unless
3 for higher priority items, based on unforeseen military re-
4 quirements, than those for which originally appropriated
5 and in no case where the item for which funds are re-
6 quested has been denied by the Congress: *Provided further*,
7 That the Secretary of Defense shall notify the Congress
8 promptly of all transfers made pursuant to this authority
9 or any other authority in this Act: *Provided further*, That
10 no part of the funds in this Act shall be available to pre-
11 pare or present a request to the Committees on Appropria-
12 tions for reprogramming of funds, unless for higher pri-
13 ority items, based on unforeseen military requirements,
14 than those for which originally appropriated and in no
15 case where the item for which reprogramming is requested
16 has been denied by the Congress: *Provided further*, That
17 a request for multiple reprogrammings of funds using au-
18 thority provided in this section shall be made prior to June
19 30, 2011: *Provided further*, That transfers among military
20 personnel appropriations shall not be taken into account
21 for purposes of the limitation on the amount of funds that
22 may be transferred under this section.

23 SEC. 8006. (a) With regard to the list of specific pro-
24 grams, projects, and activities (and the dollar amounts
25 and adjustments to budget activities corresponding to

1 such programs, projects, and activities) contained in the
2 tables titled “Explanation of Project Level Adjustments”
3 in the explanatory statement regarding this Act, the obli-
4 gation and expenditure of amounts appropriated or other-
5 wise made available in this Act for those programs,
6 projects, and activities for which the amounts appro-
7 priated exceed the amounts requested are hereby required
8 by law to be carried out in the manner provided by such
9 tables to the same extent as if the tables were included
10 in the text of this Act.

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

17 SEC. 8007. (a) Not later than 60 days after enact-
18 ment of this Act, the Department of Defense shall submit
19 a report to the congressional defense committees to estab-
20 lish the baseline for application of reprogramming and
21 transfer authorities for fiscal year 2011: *Provided*, That
22 the report shall include—

23 (1) a table for each appropriation with a sepa-
24 rate column to display the President’s budget re-
25 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

3 (2) a delineation in the table for each appro-
4 priation both by budget activity and program,
5 project, and activity as detailed in the Budget Ap-
6 pendix; and

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

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

17 SEC. 8008. The Secretaries of the Air Force and the
18 Army are authorized, using funds available under the
19 headings “Operation and Maintenance, Air Force” and
20 “Operation and Maintenance, Army”, to complete facility
21 conversions and phased repair projects which may include
22 upgrades and additions to Alaskan range infrastructure
23 and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

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2 SEC. 8009. During the current fiscal year, cash bal-
3 ances in working capital funds of the Department of De-
4 fense established pursuant to section 2208 of title 10,
5 United States Code, may be maintained in only such
6 amounts as are necessary at any time for cash disburse-
7 ments to be made from such funds: *Provided*, That trans-
8 fers may be made between such funds: *Provided further*,
9 That transfers may be made between working capital
10 funds and the “Foreign Currency Fluctuations, Defense”
11 appropriation and the “Operation and Maintenance” ap-
12 propriation accounts in such amounts as may be deter-
13 mined by the Secretary of Defense, with the approval of
14 the Office of Management and Budget, except that such
15 transfers may not be made unless the Secretary of Defense
16 has notified the Congress of the proposed transfer. Except
17 in amounts equal to the amounts appropriated to working
18 capital funds in this Act, no obligations may be made
19 against a working capital fund to procure or increase the
20 value of war reserve material inventory, unless the Sec-
21 retary of Defense has notified the Congress prior to any
22 such obligation.

23 SEC. 8010. Funds appropriated by this Act may not
24 be used to initiate a special access program without prior

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

3 SEC. 8011. None of the funds provided in this Act
4 shall be available to initiate: (1) a multiyear contract that
5 employs economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that in-
7 cludes an unfunded contingent liability in excess of
8 \$20,000,000; or (2) a contract for advance procurement
9 leading to a multiyear contract that employs economic
10 order quantity procurement in excess of \$20,000,000 in
11 any one year, unless the congressional defense committees
12 have been notified at least 30 days in advance of the pro-
13 posed contract award: *Provided*, That no part of any ap-
14 propriation contained in this Act shall be available to ini-
15 tiate a multiyear contract for which the economic order
16 quantity advance procurement is not funded at least to
17 the limits of the Government's liability: *Provided further*,
18 That no part of any appropriation contained in this Act
19 shall be available to initiate multiyear procurement con-
20 tracts for any systems or component thereof if the value
21 of the multiyear contract would exceed \$500,000,000 un-
22 less specifically provided in this Act: *Provided further*,
23 That no multiyear procurement contract can be termi-
24 nated without 10-day prior notification to the congres-
25 sional defense committees: *Provided further*, That the exe-

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

7 (1) the Secretary of Defense has submitted to
8 Congress a report within 30 days of enactment of
9 this Act that certifies full funding of units to be pro-
10 cured through the contract and, in the case of a con-
11 tract for procurement of aircraft, that includes, for
12 any aircraft unit to be procured through the con-
13 tract for which procurement funds are identified in
14 that report for production beyond advance procure-
15 ment activities in the fiscal year 2011 budget, full
16 funding of procurement of such unit in that fiscal
17 year;

18 (2) cancellation provisions in the contract do
19 not include consideration of recurring manufacturing
20 costs of the contractor associated with the produc-
21 tion of unfunded units to be delivered under the con-
22 tract;

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

1 (4) the contract does not provide for a price ad-
2 justment based on a failure to award a follow-on
3 contract.

4 Funds appropriated in title III of this Act may be
5 used for a multiyear procurement contract as follows:
6 MH-60R/S Helicopter Systems.

7 SEC. 8012. Within the funds appropriated for the op-
8 eration and maintenance of the Armed Forces, funds are
9 hereby appropriated pursuant to section 401 of title 10,
10 United States Code, for humanitarian and civic assistance
11 costs under chapter 20 of title 10, United States Code.
12 Such funds may also be obligated for humanitarian and
13 civic assistance costs incidental to authorized operations
14 and pursuant to authority granted in section 401 of chap-
15 ter 20 of title 10, United States Code, and these obliga-
16 tions shall be reported as required by section 401(d) of
17 title 10, United States Code: *Provided*, That funds avail-
18 able for operation and maintenance shall be available for
19 providing humanitarian and similar assistance by using
20 Civic Action Teams in the Trust Territories of the Pacific
21 Islands and freely associated states of Micronesia, pursu-
22 ant to the Compact of Free Association as authorized by
23 Public Law 99-239: *Provided further*, That upon a deter-
24 mination by the Secretary of the Army that such action
25 is beneficial for graduate medical education programs con-

1 ducted at Army medical facilities located in Hawaii, the
2 Secretary of the Army may authorize the provision of med-
3 ical services at such facilities and transportation to such
4 facilities, on a nonreimbursable basis, for civilian patients
5 from American Samoa, the Commonwealth of the North-
6 ern Mariana Islands, the Marshall Islands, the Federated
7 States of Micronesia, Palau, and Guam.

8 SEC. 8013. (a) During fiscal year 2011, the civilian
9 personnel of the Department of Defense may not be man-
10 aged on the basis of any end-strength, and the manage-
11 ment of such personnel during that fiscal year shall not
12 be subject to any constraint or limitation (known as an
13 end-strength) on the number of such personnel who may
14 be employed on the last day of such fiscal year.

15 (b) The fiscal year 2012 budget request for the De-
16 partment of Defense as well as all justification material
17 and other documentation supporting the fiscal year 2012
18 Department of Defense budget request shall be prepared
19 and submitted to the Congress as if subsections (a) and
20 (b) of this provision were effective with regard to fiscal
21 year 2012.

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

24 SEC. 8014. None of the funds made available by this
25 Act shall be used in any way, directly or indirectly, to in-

1 fluence congressional action on any legislation or appro-
2 priation matters pending before the Congress.

3 SEC. 8015. None of the funds appropriated by this
4 Act shall be available for the basic pay and allowances of
5 any member of the Army participating as a full-time stu-
6 dent and receiving benefits paid by the Secretary of Vet-
7 erans Affairs from the Department of Defense Education
8 Benefits Fund when time spent as a full-time student is
9 credited toward completion of a service commitment: *Pro-*
10 *vided*, That this section shall not apply to those members
11 who have reenlisted with this option prior to October 1,
12 1987: *Provided further*, That this section applies only to
13 active components of the Army.

14 SEC. 8016. (a) None of the funds appropriated by
15 this Act shall be available to convert to contractor per-
16 formance an activity or function of the Department of De-
17 fense that, on or after the date of the enactment of this
18 Act, is performed by more than 10 Department of Defense
19 civilian employees unless—

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

24 (2) the Competitive Sourcing Official deter-
25 mines that, over all performance periods stated in

1 the solicitation of offers for performance of the ac-
2 tivity or function, the cost of performance of the ac-
3 tivity or function by a contractor would be less costly
4 to the Department of Defense by an amount that
5 equals or exceeds the lesser of—

6 (A) 10 percent of the most efficient organi-
7 zation's personnel-related costs for performance
8 of that activity or function by Federal employ-
9 ees; or

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

11 (3) the contractor does not receive an advan-
12 tage for a proposal that would reduce costs for the
13 Department of Defense by—

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

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

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

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

12 (B) is planned to be converted to performance
13 by a qualified nonprofit agency for the blind or by
14 a qualified nonprofit agency for other severely handi-
15 capped individuals in accordance with that Act; or

16 (C) is planned to be converted to performance
17 by a qualified firm under at least 51 percent owner-
18 ship by an Indian tribe, as defined in section 4(e)
19 of the Indian Self-Determination and Education As-
20 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
21 waiian Organization, as defined in section 8(a)(15)
22 of the Small Business Act (15 U.S.C. 637(a)(15)).

23 (2) This section shall not apply to depot contracts
24 or contracts for depot maintenance as provided in sections
25 2469 and 2474 of title 10, United States Code.

1 in the United States from components which are substan-
2 tially manufactured in the United States: *Provided*, That
3 for the purpose of this section, the term “manufactured”
4 shall include cutting, heat treating, quality control, testing
5 of chain and welding (including the forging and shot blast-
6 ing process): *Provided further*, That for the purpose of this
7 section substantially all of the components of anchor and
8 mooring chain shall be considered to be produced or manu-
9 factured in the United States if the aggregate cost of the
10 components produced or manufactured in the United
11 States exceeds the aggregate cost of the components pro-
12 duced or manufactured outside the United States: *Pro-*
13 *vided further*, That when adequate domestic supplies are
14 not available to meet Department of Defense requirements
15 on a timely basis, the Secretary of the service responsible
16 for the procurement may waive this restriction on a case-
17 by-case basis by certifying in writing to the Committees
18 on Appropriations that such an acquisition must be made
19 in order to acquire capability for national security pur-
20 poses.

21 SEC. 8019. None of the funds available to the De-
22 partment of Defense may be used to demilitarize or dis-
23 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
24 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
25 to demilitarize or destroy small arms ammunition or am-

1 munition components that are not otherwise prohibited
2 from commercial sale under Federal law, unless the small
3 arms ammunition or ammunition components are certified
4 by the Secretary of the Army or designee as unserviceable
5 or unsafe for further use.

6 SEC. 8020. No more than \$500,000 of the funds ap-
7 propriated or made available in this Act shall be used dur-
8 ing a single fiscal year for any single relocation of an orga-
9 nization, unit, activity or function of the Department of
10 Defense into or within the National Capital Region: *Pro-*
11 *vided*, That the Secretary of Defense may waive this re-
12 striction on a case-by-case basis by certifying in writing
13 to the congressional defense committees that such a relo-
14 cation is required in the best interest of the Government.

15 SEC. 8021. In addition to the funds provided else-
16 where in this Act, \$15,000,000 is appropriated only for
17 incentive payments authorized by section 504 of the In-
18 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
19 That a prime contractor or a subcontractor at any tier
20 that makes a subcontract award to any subcontractor or
21 supplier as defined in section 1544 of title 25, United
22 States Code, or a small business owned and controlled by
23 an individual or individuals defined under section 4221(9)
24 of title 25, United States Code, shall be considered a con-
25 tractor for the purposes of being allowed additional com-

1 pensionation under section 504 of the Indian Financing Act
2 of 1974 (25 U.S.C. 1544) whenever the prime contract
3 or subcontract amount is over \$500,000 and involves the
4 expenditure of funds appropriated by an Act making Ap-
5 propriations for the Department of Defense with respect
6 to any fiscal year: *Provided further*, That notwithstanding
7 section 430 of title 41, United States Code, this section
8 shall be applicable to any Department of Defense acquisi-
9 tion of supplies or services, including any contract and any
10 subcontract at any tier for acquisition of commercial items
11 produced or manufactured, in whole or in part by any sub-
12 contractor or supplier defined in section 1544 of title 25,
13 United States Code, or a small business owned and con-
14 trolled by an individual or individuals defined under sec-
15 tion 4221(9) of title 25, United States Code.

16 SEC. 8022. Funds appropriated by this Act for the
17 Defense Media Activity shall not be used for any national
18 or international political or psychological activities.

19 SEC. 8023. During the current fiscal year, the De-
20 partment of Defense is authorized to incur obligations of
21 not to exceed \$350,000,000 for purposes specified in sec-
22 tion 2350j(c) of title 10, United States Code, in anticipa-
23 tion of receipt of contributions, only from the Government
24 of Kuwait, under that section: *Provided*, That upon re-
25 ceipt, such contributions from the Government of Kuwait

1 shall be credited to the appropriations or fund which in-
2 curred such obligations.

3 SEC. 8024. (a) Of the funds made available in this
4 Act, not less than \$30,674,000 shall be available for the
5 Civil Air Patrol Corporation, of which—

6 (1) \$27,348,000 shall be available from “Oper-
7 ation and Maintenance, Air Force” to support Civil
8 Air Patrol Corporation operation and maintenance,
9 readiness, counterdrug activities, and drug demand
10 reduction activities involving youth programs;

11 (2) \$2,424,000 shall be available from “Aircraft
12 Procurement, Air Force”; and

13 (3) \$902,000 shall be available from “Other
14 Procurement, Air Force” for vehicle procurement.

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

19 SEC. 8025. (a) None of the funds appropriated in this
20 Act are available to establish a new Department of De-
21 fense (department) federally funded research and develop-
22 ment center (FFRDC), either as a new entity, or as a
23 separate entity administrated by an organization man-
24 aging another FFRDC, or as a nonprofit membership cor-

1 poration consisting of a consortium of other FFRDCs and
2 other nonprofit entities.

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

15 (c) Notwithstanding any other provision of law, none
16 of the funds available to the department from any source
17 during fiscal year 2011 may be used by a defense FFRDC,
18 through a fee or other payment mechanism, for construc-
19 tion of new buildings, for payment of cost sharing for
20 projects funded by Government grants, for absorption of
21 contract overruns, or for certain charitable contributions,
22 not to include employee participation in community service
23 and/or development.

24 (d) Notwithstanding any other provision of law, of
25 the funds available to the department during fiscal year

1 2011, not more than 5,750 staff years of technical effort
2 (staff years) may be funded for defense FFRDCs: *Pro-*
3 *vided*, That of the specific amount referred to previously
4 in this subsection, not more than 1,125 staff years may
5 be funded for the defense studies and analysis FFRDCs:
6 *Provided further*, That this subsection shall not apply to
7 staff years funded in the National Intelligence Program
8 (NIP) and the Military Intelligence Program (MIP).

9 (e) The Secretary of Defense shall, with the submis-
10 sion of the department's fiscal year 2012 budget request,
11 submit a report presenting the specific amounts of staff
12 years of technical effort to be allocated for each defense
13 FFRDC during that fiscal year and the associated budget
14 estimates.

15 (f) Notwithstanding any other provision of this Act,
16 the total amount appropriated in this Act for FFRDCs
17 is hereby reduced by \$144,744,000.

18 SEC. 8026. None of the funds appropriated or made
19 available in this Act shall be used to procure carbon, alloy
20 or armor steel plate for use in any Government-owned fa-
21 cility or property under the control of the Department of
22 Defense which were not melted and rolled in the United
23 States or Canada: *Provided*, That these procurement re-
24 strictions shall apply to any and all Federal Supply Class
25 9515, American Society of Testing and Materials (ASTM)

1 or American Iron and Steel Institute (AISI) specifications
2 of carbon, alloy or armor steel plate: *Provided further,*
3 That the Secretary of the military department responsible
4 for the procurement may waive this restriction on a case-
5 by-case basis by certifying in writing to the Committees
6 on Appropriations of the House of Representatives and the
7 Senate that adequate domestic supplies are not available
8 to meet Department of Defense requirements on a timely
9 basis and that such an acquisition must be made in order
10 to acquire capability for national security purposes: *Pro-*
11 *vided further,* That these restrictions shall not apply to
12 contracts which are in being as of the date of the enact-
13 ment of this Act.

14 SEC. 8027. For the purposes of this Act, the term
15 “congressional defense committees” means the Armed
16 Services Committee of the House of Representatives, the
17 Armed Services Committee of the Senate, the Sub-
18 committee on Defense of the Committee on Appropriations
19 of the Senate, and the Subcommittee on Defense of the
20 Committee on Appropriations of the House of Representa-
21 tives.

22 SEC. 8028. During the current fiscal year, the De-
23 partment of Defense may acquire the modification, depot
24 maintenance and repair of aircraft, vehicles and vessels
25 as well as the production of components and other De-

1 fense-related articles, through competition between De-
2 partment of Defense depot maintenance activities and pri-
3 vate firms: *Provided*, That the Senior Acquisition Execu-
4 tive of the military department or Defense Agency con-
5 cerned, with power of delegation, shall certify that success-
6 ful bids include comparable estimates of all direct and in-
7 direct costs for both public and private bids: *Provided fur-*
8 *ther*, That Office of Management and Budget Circular A-
9 76 shall not apply to competitions conducted under this
10 section.

11 SEC. 8029. (a)(1) If the Secretary of Defense, after
12 consultation with the United States Trade Representative,
13 determines that a foreign country which is party to an
14 agreement described in paragraph (2) has violated the
15 terms of the agreement by discriminating against certain
16 types of products produced in the United States that are
17 covered by the agreement, the Secretary of Defense shall
18 rescind the Secretary's blanket waiver of the Buy Amer-
19 ican Act with respect to such types of products produced
20 in that foreign country.

21 (2) An agreement referred to in paragraph (1) is any
22 reciprocal defense procurement memorandum of under-
23 standing, between the United States and a foreign country
24 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products
2 in that country.

3 (b) The Secretary of Defense shall submit to the Con-
4 gress a report on the amount of Department of Defense
5 purchases from foreign entities in fiscal year 2011. Such
6 report shall separately indicate the dollar value of items
7 for which the Buy American Act was waived pursuant to
8 any agreement described in subsection (a)(2), the Trade
9 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
10 international agreement to which the United States is a
11 party.

12 (c) For purposes of this section, the term “Buy
13 American Act” means title III of the Act entitled “An Act
14 making appropriations for the Treasury and Post Office
15 Departments for the fiscal year ending June 30, 1934,
16 and for other purposes”, approved March 3, 1933 (41
17 U.S.C. 10a et seq.).

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

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

11 (b) The Secretary of the Air Force shall convey, at
12 no cost to the Air Force, military housing units under sub-
13 section (a) in accordance with the request for such units
14 that are submitted to the Secretary by the Operation
15 Walking Shield Program on behalf of Indian tribes located
16 in the States of Nevada, Idaho, North Dakota, South Da-
17 kota, Montana, Oregon, and Minnesota. Any such convey-
18 ance shall be subject to the condition that the housing
19 units shall be removed within a reasonable period of time,
20 as determined by the Secretary.

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

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

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

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

1 (b) The fiscal year 2012 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2012
4 Department of Defense budget shall be prepared and sub-
5 mitted to the Congress on the basis that any equipment
6 which was classified as an end item and funded in a pro-
7 curement appropriation contained in this Act shall be
8 budgeted for in a proposed fiscal year 2012 procurement
9 appropriation and not in the supply management business
10 area or any other area or category of the Department of
11 Defense Working Capital Funds.

12 SEC. 8034. None of the funds appropriated by this
13 Act for programs of the Central Intelligence Agency shall
14 remain available for obligation beyond the current fiscal
15 year, except for funds appropriated for the Reserve for
16 Contingencies, which shall remain available until Sep-
17 tember 30, 2012: *Provided*, That funds appropriated,
18 transferred, or otherwise credited to the Central Intel-
19 ligence Agency Central Services Working Capital Fund
20 during this or any prior or subsequent fiscal year shall
21 remain available until expended: *Provided further*, That
22 any funds appropriated or transferred to the Central Intel-
23 ligence Agency for advanced research and development ac-
24 quisition, for agent operations, and for covert action pro-
25 grams authorized by the President under section 503 of

1 the National Security Act of 1947, as amended, shall re-
2 main available until September 30, 2012.

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

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

20 SEC. 8037. (a) None of the funds appropriated in this
21 Act may be expended by an entity of the Department of
22 Defense unless the entity, in expending the funds, com-
23 plies with the Buy American Act. For purposes of this
24 subsection, the term “Buy American Act” means title III
25 of the Act entitled “An Act making appropriations for the

1 Treasury and Post Office Departments for the fiscal year
2 ending June 30, 1934, and for other purposes”, approved
3 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

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

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

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

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

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

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

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

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

13 (c) This section does not apply to—

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

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

20 (3) an Army field operating agency established
21 to improve the effectiveness and efficiencies of bio-
22 metric activities and to integrate common biometric
23 technologies throughout the Department of Defense.

(RESCISSIONS)

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

6 “Procurement of Weapons and Tracked Combat
7 Vehicles, Army, 2009/2011”, \$86,300,000;

8 “Other Procurement, Army, 2009/2011”,
9 \$147,600,000;

10 “Aircraft Procurement, Navy, 2009/2011”,
11 \$26,100,000;

12 “Aircraft Procurement, Air Force, 2009/2011”,
13 \$48,690,000;

14 “Aircraft Procurement, Army, 2010/2012”,
15 \$14,000,000;

16 “Missile Procurement, Army, 2010/2012”,
17 \$18,171,000;

18 “Procurement of Weapons and Tracked Combat
19 Vehicles, Army, 2010/2012”, \$36,000,000;

20 “Aircraft Procurement, Navy, 2010/2012”,
21 \$6,000,000;

22 “Procurement of Ammunition, Navy and Ma-
23 rine Corps, 2010/2012”, \$11,576,000;

24 “Aircraft Procurement, Air Force, 2010/2012”,
25 \$72,900,000;

1 “Research, Development, Test and Evaluation,
2 Army, 2010/2011”, \$53,500,000;

3 “Research, Development, Test and Evaluation,
4 Air Force, 2010/2011”, \$115,600,000; and

5 “Research, Development, Test and Evaluation,
6 Defense-Wide, 2010/2011”, \$10,000,000.

7 SEC. 8041. None of the funds available in this Act
8 may be used to reduce the authorized positions for mili-
9 tary (civilian) technicians of the Army National Guard,
10 Air National Guard, Army Reserve and Air Force Reserve
11 for the purpose of applying any administratively imposed
12 civilian personnel ceiling, freeze, or reduction on military
13 (civilian) technicians, unless such reductions are a direct
14 result of a reduction in military force structure.

15 SEC. 8042. None of the funds appropriated or other-
16 wise made available in this Act may be obligated or ex-
17 pended for assistance to the Democratic People’s Republic
18 of Korea unless specifically appropriated for that purpose.

19 SEC. 8043. Funds appropriated in this Act for oper-
20 ation and maintenance of the Military Departments, Com-
21 batant Commands and Defense Agencies shall be available
22 for reimbursement of pay, allowances and other expenses
23 which would otherwise be incurred against appropriations
24 for the National Guard and Reserve when members of the
25 National Guard and Reserve provide intelligence or coun-

1 terintelligence support to Combatant Commands, Defense
2 Agencies and Joint Intelligence Activities, including the
3 activities and programs included within the National Intel-
4 ligence Program and the Military Intelligence Program:
5 *Provided*, That nothing in this section authorizes deviation
6 from established Reserve and National Guard personnel
7 and training procedures.

8 SEC. 8044. During the current fiscal year, none of
9 the funds appropriated in this Act may be used to reduce
10 the civilian medical and medical support personnel as-
11 signed to military treatment facilities below the September
12 30, 2003, level: *Provided*, That the Service Surgeons Gen-
13 eral may waive this section by certifying to the congres-
14 sional defense committees that the beneficiary population
15 is declining in some catchment areas and civilian strength
16 reductions may be consistent with responsible resource
17 stewardship and capitation-based budgeting.

18 SEC. 8045. (a) None of the funds available to the
19 Department of Defense for any fiscal year for drug inter-
20 diction or counter-drug activities may be transferred to
21 any other department or agency of the United States ex-
22 cept as specifically provided in an appropriations law.

23 (b) None of the funds available to the Central Intel-
24 ligence Agency for any fiscal year for drug interdiction
25 and counter-drug activities may be transferred to any

1 other department or agency of the United States except
2 as specifically provided in an appropriations law.

3 SEC. 8046. None of the funds appropriated by this
4 Act may be used for the procurement of ball and roller
5 bearings other than those produced by a domestic source
6 and of domestic origin: *Provided*, That the Secretary of
7 the military department responsible for such procurement
8 may waive this restriction on a case-by-case basis by certi-
9 fying in writing to the Committees on Appropriations of
10 the House of Representatives and the Senate, that ade-
11 quate domestic supplies are not available to meet Depart-
12 ment of Defense requirements on a timely basis and that
13 such an acquisition must be made in order to acquire ca-
14 pability for national security purposes: *Provided further*,
15 That this restriction shall not apply to the purchase of
16 “commercial items”, as defined by section 4(12) of the
17 Office of Federal Procurement Policy Act, except that the
18 restriction shall apply to ball or roller bearings purchased
19 as end items.

20 SEC. 8047. None of the funds in this Act may be
21 used to purchase any supercomputer which is not manu-
22 factured in the United States, unless the Secretary of De-
23 fense certifies to the congressional defense committees
24 that such an acquisition must be made in order to acquire

1 capability for national security purposes that is not avail-
2 able from United States manufacturers.

3 SEC. 8048. None of the funds made available in this
4 or any other Act may be used to pay the salary of any
5 officer or employee of the Department of Defense who ap-
6 proves or implements the transfer of administrative re-
7 sponsibilities or budgetary resources of any program,
8 project, or activity financed by this Act to the jurisdiction
9 of another Federal agency not financed by this Act with-
10 out the express authorization of Congress: *Provided*, That
11 this limitation shall not apply to transfers of funds ex-
12 pressly provided for in Defense Appropriations Acts, or
13 provisions of Acts providing supplemental appropriations
14 for the Department of Defense.

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

1 (b) This section applies to—

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

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

9 (c) A notice under subsection (a) shall include the
10 following—

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

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

15 (3) In the case of a proposed transfer of equip-
16 ment or supplies—

17 (A) a statement of whether the inventory
18 requirements of all elements of the Armed
19 Forces (including the reserve components) for
20 the type of equipment or supplies to be trans-
21 ferred have been met; and

22 (B) a statement of whether the items pro-
23 posed to be transferred will have to be replaced
24 and, if so, how the President proposes to pro-
25 vide funds for such replacement.

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

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

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

11 (INCLUDING TRANSFER OF FUNDS)

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

23 SEC. 8052. During the current fiscal year, in the case
24 of an appropriation account of the Department of Defense
25 for which the period of availability for obligation has ex-

1 pired or which has closed under the provisions of section
2 1552 of title 31, United States Code, and which has a
3 negative unliquidated or unexpended balance, an obliga-
4 tion or an adjustment of an obligation may be charged
5 to any current appropriation account for the same purpose
6 as the expired or closed account if—

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

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

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

1 count: *Provided further*, That the total amount
2 charged to a current appropriation under this sec-
3 tion may not exceed an amount equal to 1 percent
4 of the total appropriation for that account.

5 SEC. 8053. (a) Notwithstanding any other provision
6 of law, the Chief of the National Guard Bureau may per-
7 mit the use of equipment of the National Guard Distance
8 Learning Project by any person or entity on a space-avail-
9 able, reimbursable basis. The Chief of the National Guard
10 Bureau shall establish the amount of reimbursement for
11 such use on a case-by-case basis.

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

18 SEC. 8054. Using funds available by this Act or any
19 other Act, the Secretary of the Air Force, pursuant to a
20 determination under section 2690 of title 10, United
21 States Code, may implement cost-effective agreements for
22 required heating facility modernization in the
23 Kaiserslautern Military Community in the Federal Repub-
24 lic of Germany: *Provided*, That in the City of
25 Kaiserslautern and at the Rhine Ordnance Barracks area,

1 such agreements will include the use of United States an-
2 thracite as the base load energy for municipal district heat
3 to the United States Defense installations: *Provided fur-*
4 *ther*, That at Landstuhl Army Regional Medical Center
5 and Ramstein Air Base, furnished heat may be obtained
6 from private, regional or municipal services, if provisions
7 are included for the consideration of United States coal
8 as an energy source.

9 SEC. 8055. None of the funds appropriated in title
10 IV of this Act may be used to procure end-items for deliv-
11 ery to military forces for operational training, operational
12 use or inventory requirements: *Provided*, That this restric-
13 tion does not apply to end-items used in development,
14 prototyping, and test activities preceding and leading to
15 acceptance for operational use: *Provided further*, That this
16 restriction does not apply to programs funded within the
17 National Intelligence Program: *Provided further*, That the
18 Secretary of Defense may waive this restriction on a case-
19 by-case basis by certifying in writing to the Committees
20 on Appropriations of the House of Representatives and the
21 Senate that it is in the national security interest to do
22 so.

23 SEC. 8056. None of the funds made available in this
24 Act may be used to approve or license the sale of the F-
25 22A advanced tactical fighter to any foreign government:

1 *Provided*, That the Department of Defense may conduct
2 or participate in studies, research, design and other activi-
3 ties to define and develop a future export version of the
4 F-22A that protects classified and sensitive information,
5 technologies and U.S. warfighting capabilities.

6 SEC. 8057. (a) The Secretary of Defense may, on a
7 case-by-case basis, waive with respect to a foreign country
8 each limitation on the procurement of defense items from
9 foreign sources provided in law if the Secretary determines
10 that the application of the limitation with respect to that
11 country would invalidate cooperative programs entered
12 into between the Department of Defense and the foreign
13 country, or would invalidate reciprocal trade agreements
14 for the procurement of defense items entered into under
15 section 2531 of title 10, United States Code, and the
16 country does not discriminate against the same or similar
17 defense items produced in the United States for that coun-
18 try.

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

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

22 (2) options for the procurement of items that
23 are exercised after such date under contracts that
24 are entered into before such date if the option prices

1 are adjusted for any reason other than the applica-
2 tion of a waiver granted under subsection (a).

3 (c) Subsection (a) does not apply to a limitation re-
4 garding construction of public vessels, ball and roller bear-
5 ings, food, and clothing or textile materials as defined by
6 section 11 (chapters 50–65) of the Harmonized Tariff
7 Schedule and products classified under headings 4010,
8 4202, 4203, 6401 through 6406, 6505, 7019, 7218
9 through 7229, 7304.41 through 7304.49, 7306.40, 7502
10 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

11 SEC. 8058. (a) None of the funds made available by
12 this Act may be used to support any training program in-
13 volving a unit of the security forces of a foreign country
14 if the Secretary of Defense has received credible informa-
15 tion from the Department of State that the unit has com-
16 mitted a gross violation of human rights, unless all nec-
17 essary corrective steps have been taken.

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

24 (c) The Secretary of Defense, after consultation with
25 the Secretary of State, may waive the prohibition in sub-

1 section (a) if he determines that such waiver is required
2 by extraordinary circumstances.

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

11 SEC. 8059. None of the funds appropriated or made
12 available in this Act to the Department of the Navy shall
13 be used to develop, lease or procure the T-AKE class of
14 ships unless the main propulsion diesel engines and
15 propulsors are manufactured in the United States by a
16 domestically operated entity: *Provided*, That the Secretary
17 of Defense may waive this restriction on a case-by-case
18 basis by certifying in writing to the Committees on Appro-
19 priations of the House of Representatives and the Senate
20 that adequate domestic supplies are not available to meet
21 Department of Defense requirements on a timely basis
22 and that such an acquisition must be made in order to
23 acquire capability for national security purposes or there
24 exists a significant cost or quality difference.

1 SEC. 8060. None of the funds appropriated or other-
2 wise made available by this or other Department of De-
3 fense Appropriations Acts may be obligated or expended
4 for the purpose of performing repairs or maintenance to
5 military family housing units of the Department of De-
6 fense, including areas in such military family housing
7 units that may be used for the purpose of conducting offi-
8 cial Department of Defense business.

9 SEC. 8061. Notwithstanding any other provision of
10 law, funds appropriated in this Act under the heading
11 “Research, Development, Test and Evaluation, Defense-
12 Wide” for any new start advanced concept technology
13 demonstration project or joint capability demonstration
14 project may only be obligated 30 days after a report, in-
15 cluding a description of the project, the planned acquisi-
16 tion and transition strategy and its estimated annual and
17 total cost, has been provided in writing to the congres-
18 sional defense committees: *Provided*, That the Secretary
19 of Defense may waive this restriction on a case-by-case
20 basis by certifying to the congressional defense committees
21 that it is in the national interest to do so.

22 SEC. 8062. The Secretary of Defense shall provide
23 a classified quarterly report beginning 30 days after enact-
24 ment of this Act, to the House and Senate Appropriations
25 Committees, Subcommittees on Defense on certain mat-

1 ters as directed in the classified annex accompanying this
2 Act.

3 SEC. 8063. During the current fiscal year, none of
4 the funds available to the Department of Defense may be
5 used to provide support to another department or agency
6 of the United States if such department or agency is more
7 than 90 days in arrears in making payment to the Depart-
8 ment of Defense for goods or services previously provided
9 to such department or agency on a reimbursable basis:
10 *Provided*, That this restriction shall not apply if the de-
11 partment is authorized by law to provide support to such
12 department or agency on a nonreimbursable basis, and is
13 providing the requested support pursuant to such author-
14 ity: *Provided further*, That the Secretary of Defense may
15 waive this restriction on a case-by-case basis by certifying
16 in writing to the Committees on Appropriations of the
17 House of Representatives and the Senate that it is in the
18 national security interest to do so.

19 SEC. 8064. Notwithstanding section 12310(b) of title
20 10, United States Code, a Reserve who is a member of
21 the National Guard serving on full-time National Guard
22 duty under section 502(f) of title 32, United States Code,
23 may perform duties in support of the ground-based ele-
24 ments of the National Ballistic Missile Defense System.

1 SEC. 8065. None of the funds provided in this Act
2 may be used to transfer to any nongovernmental entity
3 ammunition held by the Department of Defense that has
4 a center-fire cartridge and a United States military no-
5 menclature designation of “armor penetrator”, “armor
6 piercing (AP)”, “armor piercing incendiary (API)”, or
7 “armor-piercing incendiary tracer (API-T)”, except to an
8 entity performing demilitarization services for the Depart-
9 ment of Defense under a contract that requires the entity
10 to demonstrate to the satisfaction of the Department of
11 Defense that armor piercing projectiles are either: (1) ren-
12 dered incapable of reuse by the demilitarization process;
13 or (2) used to manufacture ammunition pursuant to a con-
14 tract with the Department of Defense or the manufacture
15 of ammunition for export pursuant to a License for Per-
16 manent Export of Unclassified Military Articles issued by
17 the Department of State.

18 SEC. 8066. Notwithstanding any other provision of
19 law, the Chief of the National Guard Bureau, or his des-
20 ignee, may waive payment of all or part of the consider-
21 ation that otherwise would be required under section 2667
22 of title 10, United States Code, in the case of a lease of
23 personal property for a period not in excess of 1 year to
24 any organization specified in section 508(d) of title 32,
25 United States Code, or any other youth, social, or fra-

1 ternal nonprofit organization as may be approved by the
2 Chief of the National Guard Bureau, or his designee, on
3 a case-by-case basis.

4 SEC. 8067. None of the funds appropriated by this
5 Act shall be used for the support of any nonappropriated
6 funds activity of the Department of Defense that procures
7 malt beverages and wine with nonappropriated funds for
8 resale (including such alcoholic beverages sold by the
9 drink) on a military installation located in the United
10 States unless such malt beverages and wine are procured
11 within that State, or in the case of the District of Colum-
12 bia, within the District of Columbia, in which the military
13 installation is located: *Provided*, That in a case in which
14 the military installation is located in more than one State,
15 purchases may be made in any State in which the installa-
16 tion is located: *Provided further*, That such local procure-
17 ment requirements for malt beverages and wine shall
18 apply to all alcoholic beverages only for military installa-
19 tions in States which are not contiguous with another
20 State: *Provided further*, That alcoholic beverages other
21 than wine and malt beverages, in contiguous States and
22 the District of Columbia shall be procured from the most
23 competitive source, price and other factors considered.

24 SEC. 8068. Funds available to the Department of De-
25 fense for the Global Positioning System during the current

1 fiscal year may be used to fund civil requirements associ-
2 ated with the satellite and ground control segments of
3 such system's modernization program.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8069. Of the amounts appropriated in this Act
6 under the heading "Operation and Maintenance, Army",
7 \$147,258,300 shall remain available until expended: *Pro-*
8 *vided*, That notwithstanding any other provision of law,
9 the Secretary of Defense is authorized to transfer such
10 funds to other activities of the Federal Government: *Pro-*
11 *vided further*, That the Secretary of Defense is authorized
12 to enter into and carry out contracts for the acquisition
13 of real property, construction, personal services, and oper-
14 ations related to projects carrying out the purposes of this
15 section: *Provided further*, That contracts entered into
16 under the authority of this section may provide for such
17 indemnification as the Secretary determines to be nec-
18 essary: *Provided further*, That projects authorized by this
19 section shall comply with applicable Federal, State, and
20 local law to the maximum extent consistent with the na-
21 tional security, as determined by the Secretary of Defense.

22 SEC. 8070. Section 8106 of the Department of De-
23 fense Appropriations Act, 1997 (titles I through VIII of
24 the matter under subsection 101(b) of Public Law 104-
25 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-

1 tinue in effect to apply to disbursements that are made
2 by the Department of Defense in fiscal year 2011.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8071. Of the amounts appropriated in this Act
5 under the headings “Procurement, Defense-Wide” and
6 “Research, Development, Test and Evaluation, Defense-
7 Wide”, \$415,115,000 shall be for the Israeli Cooperative
8 Programs: *Provided*, That of this amount, \$205,000,000
9 shall be for the Secretary of Defense to provide to the Gov-
10 ernment of Israel for the procurement of the Iron Dome
11 defense system to counter short-range rocket threats,
12 \$84,722,000 shall be for the Short Range Ballistic Missile
13 Defense (SRBMD) program, including cruise missile de-
14 fense research and development under the SRBMD pro-
15 gram, \$58,966,000 shall be available for an upper-tier
16 component to the Israeli Missile Defense Architecture, and
17 \$66,427,000 shall be for the Arrow System Improvement
18 Program including development of a long range, ground
19 and airborne, detection suite, of which \$12,000,000 shall
20 be for producing Arrow missile components in the United
21 States and Arrow missile components in Israel to meet
22 Israel’s defense requirements, consistent with each na-
23 tion’s laws, regulations and procedures: *Provided further*,
24 That funds made available under this provision for pro-
25 duction of missiles and missile components may be trans-

1 ferred to appropriations available for the procurement of
2 weapons and equipment, to be merged with and to be
3 available for the same time period and the same purposes
4 as the appropriation to which transferred: *Provided fur-*
5 *ther*, That the transfer authority provided under this pro-
6 vision is in addition to any other transfer authority con-
7 tained in this Act.

8 SEC. 8072. None of the funds available to the De-
9 partment of Defense may be obligated to modify command
10 and control relationships to give Fleet Forces Command
11 administrative and operational control of U.S. Navy forces
12 assigned to the Pacific fleet: *Provided*, That the command
13 and control relationships which existed on October 1,
14 2004, shall remain in force unless changes are specifically
15 authorized in a subsequent Act.

16 SEC. 8073. Notwithstanding any other provision of
17 law or regulation, the Secretary of Defense may exercise
18 the provisions of section 7403(g) of title 38, United States
19 Code, for occupations listed in section 7403(a)(2) of title
20 38, United States Code, as well as the following:

21 Pharmacists, Audiologists, Psychologists, Social
22 Workers, Othotists/Prosthetists, Occupational
23 Therapists, Physical Therapists, Rehabilitation
24 Therapists, Respiratory Therapists, Speech Patholo-
25 gists, Dietitian/Nutritionists, Industrial Hygienists,

1 Psychology Technicians, Social Service Assistants,
2 Practical Nurses, Nursing Assistants, and Dental
3 Hygienists:

4 (A) The requirements of section
5 7403(g)(1)(A) of title 38, United States Code,
6 shall apply.

7 (B) The limitations of section
8 7403(g)(1)(B) of title 38, United States Code,
9 shall not apply.

10 SEC. 8074. Funds appropriated by this Act, or made
11 available by the transfer of funds in this Act, for intel-
12 ligence activities are deemed to be specifically authorized
13 by the Congress for purposes of section 504 of the Na-
14 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
15 year 2011 until the enactment of the Intelligence Author-
16 ization Act for Fiscal Year 2011.

17 SEC. 8075. None of the funds provided in this Act
18 shall be available for obligation or expenditure through a
19 reprogramming of funds that creates or initiates a new
20 program, project, or activity unless such program, project,
21 or activity must be undertaken immediately in the interest
22 of national security and only after written prior notifica-
23 tion to the congressional defense committees.

24 SEC. 8076. In addition to funds made available else-
25 where in this Act, \$5,500,000 is hereby appropriated and

1 shall remain available until expended to provide assist-
2 ance, by grant or otherwise (such as the provision of funds
3 for information technology and textbook purchases, pro-
4 fessional development for educators, and student transi-
5 tion support) to public schools in states that are consid-
6 ered overseas assignments with unusually high concentra-
7 tions of special needs military dependents enrolled: *Pro-*
8 *vided*, That up to 2 percent of the total appropriated funds
9 under this section shall be available for the administration
10 and execution of the programs and/or events that promote
11 the purpose of this appropriation: *Provided further*, That
12 up to 5 percent of the total appropriated funds under this
13 section shall be available to public schools that have en-
14 tered into a military partnership: *Provided further*, That
15 \$1,000,000 shall be available for a nonprofit trust fund
16 to assist in the public-private funding of public school re-
17 pair and maintenance projects: *Provided further*, That
18 \$500,000 shall be available to fund an ongoing special
19 education support program in public schools with unusu-
20 ally high concentrations of active duty military dependents
21 enrolled: *Provided further*, That to the extent a Federal
22 agency provides this assistance by contract, grant, or oth-
23 erwise, it may accept and expend non-Federal funds in
24 combination with these Federal funds to provide assist-
25 ance for the authorized purpose.

1 SEC. 8077. The budget of the President for fiscal
2 year 2012 submitted to the Congress pursuant to section
3 1105 of title 31, United States Code, shall include sepa-
4 rate budget justification documents for costs of United
5 States Armed Forces' participation in contingency oper-
6 ations for the Military Personnel accounts, the Operation
7 and Maintenance accounts, and the Procurement ac-
8 counts: *Provided*, That these documents shall include a de-
9 scription of the funding requested for each contingency op-
10 eration, for each military service, to include all Active and
11 Reserve components, and for each appropriations account:
12 *Provided further*, That these documents shall include esti-
13 mated costs for each element of expense or object class,
14 a reconciliation of increases and decreases for each contin-
15 gency operation, and programmatic data including, but
16 not limited to, troop strength for each Active and Reserve
17 component, and estimates of the major weapons systems
18 deployed in support of each contingency: *Provided further*,
19 That these documents shall include budget exhibits OP-
20 5 and OP-32 (as defined in the Department of Defense
21 Financial Management Regulation) for all contingency op-
22 erations for the budget year and the two preceding fiscal
23 years.

24 SEC. 8078. None of the funds in this Act may be
25 used for research, development, test, evaluation, procure-

1 ment or deployment of nuclear armed interceptors of a
2 missile defense system.

3 SEC. 8079. In addition to the amounts appropriated
4 or otherwise made available elsewhere in this Act,
5 \$20,000,000 is hereby appropriated to the Department of
6 Defense: *Provided*, That the Secretary of Defense shall
7 make a grant in the amount specified as follows:
8 \$20,000,000 to the United Service Organizations.

9 SEC. 8080. None of the funds appropriated or made
10 available in this Act shall be used to reduce or disestablish
11 the operation of the 53rd Weather Reconnaissance Squad-
12 ron of the Air Force Reserve, if such action would reduce
13 the WC-130 Weather Reconnaissance mission below the
14 levels funded in this Act: *Provided*, That the Air Force
15 shall allow the 53rd Weather Reconnaissance Squadron to
16 perform other missions in support of national defense re-
17 quirements during the non-hurricane season.

18 SEC. 8081. None of the funds provided in this Act
19 shall be available for integration of foreign intelligence in-
20 formation unless the information has been lawfully col-
21 lected and processed during the conduct of authorized for-
22 eign intelligence activities: *Provided*, That information
23 pertaining to United States persons shall only be handled
24 in accordance with protections provided in the Fourth

1 Amendment of the United States Constitution as imple-
2 mented through Executive Order No. 12333.

3 SEC. 8082. (a) At the time members of reserve com-
4 ponents of the Armed Forces are called or ordered to ac-
5 tive duty under section 12302(a) of title 10, United States
6 Code, each member shall be notified in writing of the ex-
7 pected period during which the member will be mobilized.

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

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8083. The Secretary of Defense may transfer
15 funds from any available Department of the Navy appro-
16 priation to any available Navy ship construction appro-
17 priation for the purpose of liquidating necessary changes
18 resulting from inflation, market fluctuations, or rate ad-
19 justments for any ship construction program appropriated
20 in law: *Provided*, That the Secretary may transfer not to
21 exceed \$100,000,000 under the authority provided by this
22 section: *Provided further*, That the Secretary may not
23 transfer any funds until 30 days after the proposed trans-
24 fer has been reported to the Committees on Appropria-
25 tions of the House of Representatives and the Senate, un-

1 less a response from the Committees is received sooner:
2 *Provided further*, That the transfer authority provided by
3 this section is in addition to any other transfer authority
4 contained elsewhere in this Act.

5 SEC. 8084. For purposes of section 612 of title 41,
6 United States Code, any subdivision of appropriations
7 made under the heading “Shipbuilding and Conversion,
8 Navy” that is not closed at the time reimbursement is
9 made shall be available to reimburse the Judgment Fund
10 and shall be considered for the same purposes as any sub-
11 division under the heading “Shipbuilding and Conversion,
12 Navy” appropriations in the current fiscal year or any
13 prior fiscal year.

14 SEC. 8085. (a) None of the funds appropriated by
15 this Act may be used to transfer research and develop-
16 ment, acquisition, or other program authority relating to
17 current tactical unmanned aerial vehicles (TUAVs) from
18 the Army.

19 (b) The Army shall retain responsibility for and oper-
20 ational control of the MQ-1C Sky Warrior Unmanned
21 Aerial Vehicle (UAV) in order to support the Secretary
22 of Defense in matters relating to the employment of un-
23 manned aerial vehicles.

24 SEC. 8086. Of the funds provided in this Act,
25 \$8,850,000 shall be available for the operations and devel-

1 opment of training and technology for the Joint Inter-
2 agency Training and Education Center and the affiliated
3 Center for National Response at the Memorial Tunnel and
4 for providing homeland defense/security and traditional
5 warfighting training to the Department of Defense, other
6 Federal agencies, and State and local first responder per-
7 sonnel at the Joint Interagency Training and Education
8 Center.

9 SEC. 8087. Notwithstanding any other provision of
10 law or regulation, during the current fiscal year and here-
11 after, the Secretary of Defense may adjust wage rates for
12 civilian employees hired for certain health care occupa-
13 tions as authorized for the Secretary of Veterans Affairs
14 by section 7455 of title 38, United States Code.

15 SEC. 8088. Up to \$15,000,000 of the funds appro-
16 priated under the heading “Operation and Maintenance,
17 Navy” may be made available for the Asia Pacific Re-
18 gional Initiative Program for the purpose of enabling the
19 Pacific Command to execute Theater Security Cooperation
20 activities such as humanitarian assistance, and payment
21 of incremental and personnel costs of training and exer-
22 cising with foreign security forces: *Provided*, That funds
23 made available for this purpose may be used, notwith-
24 standing any other funding authorities for humanitarian
25 assistance, security assistance or combined exercise ex-

1 penses: *Provided further*, That funds may not be obligated
2 to provide assistance to any foreign country that is other-
3 wise prohibited from receiving such type of assistance
4 under any other provision of law.

5 SEC. 8089. None of the funds appropriated by this
6 Act for programs of the Office of the Director of National
7 Intelligence shall remain available for obligation beyond
8 the current fiscal year, except for funds appropriated for
9 research and technology, which shall remain available until
10 September 30, 2012.

11 SEC. 8090. For purposes of section 1553(b) of title
12 31, United States Code, any subdivision of appropriations
13 made in this Act under the heading “Shipbuilding and
14 Conversion, Navy” shall be considered to be for the same
15 purpose as any subdivision under the heading “Ship-
16 building and Conversion, Navy” appropriations in any
17 prior fiscal year, and the 1 percent limitation shall apply
18 to the total amount of the appropriation.

19 SEC. 8091. Notwithstanding any other provision of
20 law, that not more than 35 percent of funds provided in
21 this Act for environmental remediation may be obligated
22 under indefinite delivery/indefinite quantity contracts with
23 a total contract value of \$130,000,000 or higher.

24 SEC. 8092. The Director of National Intelligence
25 shall include the budget exhibits identified in paragraphs

1 (1) and (2) as described in the Department of Defense
2 Financial Management Regulation with the congressional
3 budget justification books.

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

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

15 SEC. 8093. (a) Not later than 60 days after enact-
16 ment of this Act, the Office of the Director of National
17 Intelligence shall submit a report to the congressional in-
18 telligence committees to establish the baseline for applica-
19 tion of reprogramming and transfer authorities for fiscal
20 year 2011: *Provided*, That the report shall include—

21 (1) a table for each appropriation with a sepa-
22 rate column to display the President's budget re-
23 quest, adjustments made by Congress, adjustments
24 due to enacted rescissions, if appropriate, and the
25 fiscal year enacted level;

1 (2) a delineation in the table for each appro-
2 priation by Expenditure Center and project; and

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

5 (b) None of the funds provided for the National Intel-
6 ligence Program in this Act shall be available for re-
7 programming or transfer until the report identified in sub-
8 section (a) is submitted to the congressional intelligence
9 committees, unless the Director of National Intelligence
10 certifies in writing to the congressional intelligence com-
11 mittees that such reprogramming or transfer is necessary
12 as an emergency requirement.

13 SEC. 8094. For the purposes of this Act, the term
14 “congressional intelligence committees” means the Perma-
15 nent Select Committee on Intelligence of the House of
16 Representatives, the Select Committee on Intelligence of
17 the Senate, the Subcommittee on Defense of the Com-
18 mittee on Appropriations of the House of Representatives,
19 and the Subcommittee on Defense of the Committee on
20 Appropriations of the Senate.

21 SEC. 8095. The Department of Defense shall con-
22 tinue to report incremental contingency operations costs
23 for Operation Iraqi Freedom and Operation Enduring
24 Freedom on a monthly basis in the Cost of War Execution
25 Report as prescribed in the Department of Defense Finan-

1 cial Management Regulation Department of Defense In-
2 struction 7000.14, Volume 12, Chapter 23 “Contingency
3 Operations”, Annex 1, dated September 2005.

4 SEC. 8096. The amounts appropriated in title II of
5 this Act are hereby reduced by \$500,000,000 to reflect
6 excess cash balances in Department of Defense Working
7 Capital Funds, as follows: From “Operation and Mainte-
8 nance, Army”, \$500,000,000.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8097. During the current fiscal year, not to ex-
11 ceed \$11,000,000 from each of the appropriations made
12 in title II of this Act for “Operation and Maintenance,
13 Army”, “Operation and Maintenance, Navy”, and “Oper-
14 ation and Maintenance, Air Force” may be transferred by
15 the military department concerned to its central fund es-
16 tablished for Fisher Houses and Suites pursuant to sec-
17 tion 2493(d) of title 10, United States Code.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8098. Of the funds appropriated in the Intel-
20 ligence Community Management Account for the Program
21 Manager for the Information Sharing Environment,
22 \$24,000,000 is available for transfer by the Director of
23 National Intelligence to other departments and agencies
24 for purposes of Government-wide information sharing ac-
25 tivities: *Provided*, That funds transferred under this provi-

1 sion are to be merged with and available for the same pur-
2 poses and time period as the appropriation to which trans-
3 ferred: *Provided further*, That the Office of Management
4 and Budget must approve any transfers made under this
5 provision.

6 SEC. 8099. Funds appropriated by this Act for oper-
7 ation and maintenance may be available for the purpose
8 of making remittances to the Defense Acquisition Work-
9 force Development Fund in accordance with the require-
10 ments of section 1705 of title 10, United States Code.

11 SEC. 8100. (a) Any agency receiving funds made
12 available in this Act, shall, subject to subsections (b) and
13 (c), post on the public website of that agency any report
14 required to be submitted by the Congress in this or any
15 other Act, upon the determination by the head of the agen-
16 cy that it shall serve the national interest.

17 (b) Subsection (a) shall not apply to a report if—

18 (1) the public posting of the report com-
19 promises national security; or

20 (2) the report contains proprietary information.

21 (c) The head of the agency posting such report shall
22 do so only after such report has been made available to
23 the requesting Committee or Committees of Congress for
24 no less than 45 days.

1 SEC. 8101. (a) None of the funds appropriated or
2 otherwise made available by this Act may be expended for
3 any Federal contract for an amount in excess of
4 \$1,000,000 unless the contractor agrees not to:

5 (1) enter into any agreement with any of its
6 employees or independent contractors that requires,
7 as a condition of employment, that the employee or
8 independent contractor agree to resolve through ar-
9 bitration any claim under title VII of the Civil
10 Rights Act of 1964 or any tort related to or arising
11 out of sexual assault or harassment, including as-
12 sault and battery, intentional infliction of emotional
13 distress, false imprisonment, or negligent hiring, su-
14 pervision, or retention; or

15 (2) take any action to enforce any provision of
16 an existing agreement with an employee or inde-
17 pendent contractor that mandates that the employee
18 or independent contractor resolve through arbitra-
19 tion any claim under title VII of the Civil Rights Act
20 of 1964 or any tort related to or arising out of sex-
21 ual assault or harassment, including assault and
22 battery, intentional infliction of emotional distress,
23 false imprisonment, or negligent hiring, supervision,
24 or retention.

1 (b) None of the funds appropriated or otherwise
2 made available by this Act may be expended for any Fed-
3 eral contract awarded unless the contractor certifies that
4 it requires each covered subcontractor to agree not to
5 enter into, and not to take any action to enforce any provi-
6 sion of, any agreement as described in paragraphs (1) and
7 (2) of subsection (a), with respect to any employee or inde-
8 pendent contractor performing work related to such sub-
9 contract. For purposes of this subsection, a “covered sub-
10 contractor” is an entity that has a subcontract in excess
11 of \$1,000,000 on a contract subject to subsection (a).

12 (c) The prohibitions in this section do not apply with
13 respect to a contractor’s or subcontractor’s agreements
14 with employees or independent contractors that may not
15 be enforced in a court of the United States.

16 (d) The Secretary of Defense may waive the applica-
17 tion of subsection (a) or (b) to a particular contractor or
18 subcontractor for the purposes of a particular contract or
19 subcontract if the Secretary or the Deputy Secretary per-
20 sonally determines that the waiver is necessary to avoid
21 harm to national security interests of the United States,
22 and that the term of the contract or subcontract is not
23 longer than necessary to avoid such harm. The determina-
24 tion shall set forth with specificity the grounds for the
25 waiver and for the contract or subcontract term selected,

1 and shall state any alternatives considered in lieu of a
2 waiver and the reasons each such alternative would not
3 avoid harm to national security interests of the United
4 States. The Secretary of Defense shall transmit to Con-
5 gress, and simultaneously make public, any determination
6 under this subsection not less than 15 business days be-
7 fore the contract or subcontract addressed in the deter-
8 mination may be awarded.

9 (e) By March 1, 2011, or within 60 days after enact-
10 ment of this Act, whichever is later, the Government Ac-
11 countability Office shall submit a report to the Congress
12 evaluating the effect that the requirements of this section
13 have had on national security, including recommendations,
14 if any, for changes to these requirements.

15 SEC. 8102. (a) PROHIBITION ON CONVERSION OF
16 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO
17 CONTRACTOR PERFORMANCE.—None of the funds appro-
18 priated or otherwise made available by this Act, or that
19 remain available for obligation for the Department of De-
20 fense from the Consolidated Security, Disaster Assistance,
21 and Continuing Appropriations Act, 2009 (Public Law
22 110–329), the American Recovery and Reinvestment Act
23 of 2009 (Public Law 111–5), and the Supplemental Ap-
24 propriations Act, 2009 (Public Law 111–32), may be used
25 to begin or announce the competition to award to a con-

1 tractor or convert to performance by a contractor any
2 functions performed by Federal employees pursuant to a
3 study conducted under Office of Management and Budget
4 (OMB) Circular A-76.

5 (b) EXCEPTION.—The prohibition in subsection (a)
6 shall not apply to the award of a function to a contractor
7 or the conversion of a function to performance by a con-
8 tractor pursuant to a study conducted under Office of
9 Management and Budget (OMB) Circular A-76 once all
10 reporting and certifications required by section 325 of the
11 National Defense Authorization Act for Fiscal Year 2010
12 (Public Law 111-84) have been satisfactorily completed.

13 SEC. 8103. (a)(1) No National Intelligence Program
14 funds appropriated in this Act may be used for a mission
15 critical or mission essential business management infor-
16 mation technology system that is not registered with the
17 Director of National Intelligence. A system shall be con-
18 sidered to be registered with that officer upon the fur-
19 nishing notice of the system, together with such informa-
20 tion concerning the system as the Director of the Business
21 Transformation Office may prescribe.

22 (2) During the current fiscal year no funds may be
23 obligated or expended for a financial management auto-
24 mated information system, a mixed information system
25 supporting financial and non-financial systems, or a busi-

1 ness system improvement of more than \$3,000,000, within
2 the Intelligence Community without the approval of the
3 Business Transformation Investment Review Board.

4 (b) The Director of the Business Transformation Of-
5 fice shall provide the congressional intelligence committees
6 a semi-annual report of approvals under paragraph (1) no
7 later than March 30 and September 30 of each year. The
8 report shall include the results of the Business Trans-
9 formation Investment Review Board's semi-annual activi-
10 ties, and each report shall certify that the following steps
11 have been taken for systems approved under paragraph
12 (1):

13 (1) Business process reengineering.

14 (2) An analysis of alternatives and an economic
15 analysis that includes a calculation of the return on
16 investment.

17 (3) Assurance the system is compatible with the
18 enterprise-wide business architecture.

19 (4) Performance measures.

20 (5) An information assurance strategy con-
21 sistent with the Chief Information Officer of the In-
22 telligence Community.

23 (c) This section shall not apply to any programmatic
24 or analytic systems or programmatic or analytic system
25 improvements.

1 SEC. 8104. (a) Each congressionally directed spend-
2 ing item specified in this Act or the explanatory statement
3 regarding this Act intended for award to a for-profit entity
4 shall be subject to acquisition regulations for full and open
5 competition on the same basis as each spending item in-
6 tended for a for-profit entity that is contained in the budg-
7 et request of the President.

8 (b) EXCEPTIONS.—Subsection (a) shall not apply to
9 any contract awarded—

10 (1) by a means that is required by Federal stat-
11 ute, including for a purchase made under a man-
12 dated preferential program;

13 (2) pursuant to the Small Business Act (15
14 U.S.C. 631 et seq.); or

15 (3) in an amount less than the simplified acqui-
16 sition threshold described in section 302A(a) of the
17 Federal Property and Administrative Services Act of
18 1949 (41 U.S.C. 252a(a)).

19 (c) In this section, the term “congressionally directed
20 spending item” means a congressionally directed spending
21 item, as defined in Rule XLIV of the Standing Rules of
22 the Senate.

23 SEC. 8105. None of the funds made available under
24 this Act may be distributed to the Association of Commu-

1 nity Organizations for Reform Now (ACORN) or its sub-
2 sidiaries.

3 SEC. 8106. From within the funds appropriated for
4 operation and maintenance for the Defense Health Pro-
5 gram in this Act, up to \$132,100,000, shall be available
6 for transfer to the Joint Department of Defense-Depart-
7 ment of Veterans Affairs Medical Facility Demonstration
8 Fund in accordance with the provisions of section 1704
9 of the National Defense Authorization Act for Fiscal Year
10 2010, Public Law 111–84: *Provided*, That for purposes
11 of section 1704(b), the facility operations funded are oper-
12 ations of the integrated Captain James A. Lovell Federal
13 Health Care Center, consisting of the North Chicago Vet-
14 erans Affairs Medical Center, the Navy Ambulatory Care
15 Center, and supporting facilities designated as a combined
16 Federal medical facility as described by section 706 of
17 Public Law 110–417: *Provided further*, That additional
18 funds may be transferred from funds appropriated for op-
19 eration and maintenance for the Defense Health Program
20 to the Joint Department of Defense-Department of Vet-
21 erans Affairs Medical Facility Demonstration Fund upon
22 written notification by the Secretary of Defense to the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate.

1 SEC. 8107. The following amounts are available in
2 accordance with section 214 of the National Defense Au-
3 thorization Act for Fiscal Year 2010 (Public Law 111-
4 84), within the amounts appropriated in this Act: for
5 “Other Procurement, Navy”, \$44,500,000, to remain
6 available until September 30, 2013; and for “Procure-
7 ment, Marine Corps”, \$175,000,000, to remain available
8 until September 30, 2013.

9 SEC. 8108. None of the funds provided in this Act
10 shall be available for the consolidation or realignment of
11 any Department of Defense Supercomputing Resource
12 Center.

13 SEC. 8109. Section 115 of the Miscellaneous Appro-
14 priations and Offsets Act, 2004 (division H of Public Law
15 108-199; 118 Stat. 439), as amended by section 1017 of
16 the Emergency Supplemental Appropriations Act for De-
17 fense, the Global War on Terror, and Tsunami Relief,
18 2005 (Public Law 109-13; 119 Stat. 250), is amended
19 by striking all after “company” through “requirements.”
20 and inserting “, of ocean going commercial vessels of
21 20,000 dwt or greater capable of supporting military sea-
22 lift requirements.”.

23 SEC. 8110. Chapter 11 of title I of the Supplemental
24 Appropriations Act, 2010, is amended by striking the
25 heading “Community Development Fund” and all the

1 matter that follows through the ninth proviso under such
2 heading and inserting the following:

3 “COMMUNITY DEVELOPMENT FUND

4 “For an additional amount for the ‘Community De-
5 velopment Fund’, for necessary expenses related to dis-
6 aster relief, long-term recovery, and restoration of infra-
7 structure, housing, and economic revitalization in areas af-
8 fected by flooding for which the President declared a
9 major disaster between March 29, 2010, and May 7, 2010,
10 which included Individual Assistance for an entire State
11 or not fewer than 45 counties within a State under title
12 IV of the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act of 1974, \$100,000,000, to remain
14 available until expended, for activities authorized under
15 title I of the Housing and Community Development Act
16 of 1974 (Public Law 93–383): *Provided*, That funds shall
17 be awarded directly to the State or unit of general local
18 government at the discretion of the Secretary: *Provided*
19 *further*, That prior to the obligation of funds a grantee
20 shall submit a plan to the Secretary detailing the proposed
21 use of all funds, including criteria for eligibility and how
22 the use of these funds will address long-term recovery and
23 restoration of infrastructure: *Provided further*, That funds
24 provided under this heading may be used by a State or
25 locality as a matching requirement, share, or contribution

1 for any other Federal program: *Provided further*, That
2 such funds may not be used for activities reimbursable by,
3 or for which funds are made available by, the Federal
4 Emergency Management Agency or the Army Corps of
5 Engineers: *Provided further*, That funds allocated under
6 this heading shall not adversely affect the amount of any
7 formula assistance received by a State or subdivision
8 thereof under the Community Development Fund: *Pro-*
9 *vided further*, That a State or subdivision thereof may use
10 up to 5 percent of its allocation for administrative costs:
11 *Provided further*, That in administering the funds under
12 this heading, the Secretary of Housing and Urban Devel-
13 opment may waive, or specify alternative requirements for,
14 any provision of any statute or regulation that the Sec-
15 retary administers in connection with the obligation by the
16 Secretary or the use by the recipient of these funds or
17 guarantees (except for requirements related to fair hous-
18 ing, nondiscrimination, labor standards, and the environ-
19 ment), upon a request by a State or subdivision thereof
20 explaining why such waiver is required to facilitate the use
21 of such funds or guarantees, if the Secretary finds that
22 such waiver would not be inconsistent with the overall pur-
23 pose of title I of the Housing and Community Develop-
24 ment Act of 1974: *Provided further*, That the Secretary
25 shall publish in the Federal Register any waiver of any

1 statute or regulation that the Secretary administers pur-
2 suant to title I of the Housing and Community Develop-
3 ment Act of 1974 no later than 5 days before the effective
4 date of such waiver: *Provided further*, That the Secretary
5 shall obligate to a State or subdivision thereof not less
6 than 50 percent of the funding provided under this head-
7 ing within 90 days after the enactment of this Act: *Pro-*
8 *vided further*, That not more than 50 percent of the fund-
9 ing provided under this heading shall be allocated to any
10 State (including units of general local government).”.

11 SEC. 8111. In chapter 2 of title I of the Act entitled
12 “An Act making supplemental appropriations for the fiscal
13 year ending September 30, 2010, and for other purposes”,
14 strike the matter under the heading “Economic Develop-
15 ment Assistance Programs” under the heading “Economic
16 Development Administration” under the heading “Depart-
17 ment of Commerce” and insert the following: “Pursuant
18 to section 703 of the Public Works and Economic Develop-
19 ment Act of 1965 (42 U.S.C. 3233), for an additional
20 amount for ‘Economic Development Assistance Pro-
21 grams’, for necessary expenses relating to disaster relief,
22 long-term recovery, and restoration of infrastructure in
23 areas affected by flooding for which the President declared
24 a major disaster during the period beginning on March
25 29, 2010, and ending on May 7, 2010, which included in-

1 individual assistance for an entire State or not fewer than
2 45 counties within a State under title IV of the Robert
3 T. Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5170 et seq.), \$49,000,000, to remain available
5 until expended: *Provided*, That not more than 50 percent
6 of the amount provided under this heading shall be allo-
7 cated to any State.”.

8 TITLE IX

9 OVERSEAS DEPLOYMENTS AND OTHER

10 ACTIVITIES

11 MILITARY PERSONNEL

12 MILITARY PERSONNEL, ARMY

13 For an additional amount for “Military Personnel,
14 Army”, \$10,678,409,000.

15 MILITARY PERSONNEL, NAVY

16 For an additional amount for “Military Personnel,
17 Navy”, \$1,435,319,000.

18 MILITARY PERSONNEL, MARINE CORPS

19 For an additional amount for “Military Personnel,
20 Marine Corps”, \$732,920,000.

21 MILITARY PERSONNEL, AIR FORCE

22 For an additional amount for “Military Personnel,
23 Air Force”, \$1,934,387,000.

1 RESERVE PERSONNEL, ARMY

2 For an additional amount for “Reserve Personnel,
3 Army”, \$268,031,000.

4 RESERVE PERSONNEL, NAVY

5 For an additional amount for “Reserve Personnel,
6 Navy”, \$48,912,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For an additional amount for “Reserve Personnel,
9 Marine Corps”, \$45,437,000.

10 RESERVE PERSONNEL, AIR FORCE

11 For an additional amount for “Reserve Personnel,
12 Air Force”, \$27,002,000.

13 NATIONAL GUARD PERSONNEL, ARMY

14 For an additional amount for “National Guard Per-
15 sonnel, Army”, \$853,022,000.

16 NATIONAL GUARD PERSONNEL, AIR FORCE

17 For an additional amount for “National Guard Per-
18 sonnel, Air Force”, \$16,860,000.

19 OPERATION AND MAINTENANCE

20 OPERATION AND MAINTENANCE, ARMY

21 For an additional amount for “Operation and Main-
22 tenance, Army”, \$62,669,767,000.

23 OPERATION AND MAINTENANCE, NAVY

24 For an additional amount for “Operation and Main-
25 tenance, Navy”, \$8,988,724,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-
3 tenance, Marine Corps”, \$4,050,822,000.

4 OPERATION AND MAINTENANCE, AIR FORCE

5 For an additional amount for “Operation and Main-
6 tenance, Air Force”, \$13,427,283,000.

7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

8 For an additional amount for “Operation and Main-
9 tenance, Defense-Wide”, \$9,309,271,000, of which:

10 (1) Not to exceed \$12,500,000 for the Combat-
11 ant Commander Initiative Fund, to be used in sup-
12 port of Operation Iraqi Freedom and Operation En-
13 during Freedom; and

14 (2) Not to exceed \$1,600,000,000, to remain
15 available until expended, for payments to reimburse
16 key cooperating nations for logistical, military, and
17 other support, including access provided to United
18 States military operations in support of Operation
19 Iraqi Freedom and Operation Enduring Freedom,
20 notwithstanding any other provision of law: *Pro-*
21 *vided*, That such reimbursement payments may be
22 made in such amounts as the Secretary of Defense,
23 with the concurrence of the Secretary of State, and
24 in consultation with the Director of the Office of
25 Management and Budget, may determine, in his dis-

1 cretion, based on documentation determined by the
2 Secretary of Defense to adequately account for the
3 support provided, and such determination is final
4 and conclusive upon the accounting officers of the
5 United States, and 15 days following notification to
6 the appropriate congressional committees: *Provided*
7 *further*, That the requirement to provide notification
8 shall not apply with respect to a reimbursement for
9 access based on an international agreement: *Pro-*
10 *vided further*, That these funds may be used for the
11 purpose of providing specialized training and pro-
12 curing supplies and specialized equipment and pro-
13 viding such supplies and loaning such equipment on
14 a non-reimbursable basis to coalition forces sup-
15 porting United States military operations in Iraq
16 and Afghanistan, and 15 days following notification
17 to the appropriate congressional committees: *Pro-*
18 *vided further*, That the Secretary of Defense shall
19 provide quarterly reports to the congressional de-
20 fense committees on the use of funds provided in
21 this paragraph.

22 OPERATION AND MAINTENANCE, ARMY RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Army Reserve”, \$206,784,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Navy Reserve”, \$93,559,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS
5 RESERVE

6 For an additional amount for “Operation and Main-
7 tenance, Marine Corps Reserve”, \$29,685,000.

8 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

9 For an additional amount for “Operation and Main-
10 tenance, Air Force Reserve”, \$228,607,000.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL
12 GUARD

13 For an additional amount for “Operation and Main-
14 tenance, Army National Guard”, \$497,849,000.

15 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

16 For an additional amount for “Operation and Main-
17 tenance, Air National Guard”, \$440,623,000.

18 AFGHANISTAN SECURITY FORCES FUND

19 For the “Afghanistan Security Forces Fund”,
20 \$11,619,283,000, to remain available until September 30,
21 2012: *Provided*, That such funds shall be available to the
22 Secretary of Defense, notwithstanding any other provision
23 of law, for the purpose of allowing the Commander, Com-
24 bined Security Transition Command—Afghanistan, or the
25 Secretary’s designee, to provide assistance, with the con-

1 currence of the Secretary of State, to the security forces
2 of Afghanistan, including the provision of equipment, sup-
3 plies, services, training, facility and infrastructure repair,
4 renovation, and construction, and funding: *Provided fur-*
5 *ther*, That the authority to provide assistance under this
6 heading is in addition to any other authority to provide
7 assistance to foreign nations: *Provided further*, That up
8 to \$25,000,000 of these funds may be available for coali-
9 tion police trainer life support costs: *Provided further*,
10 That contributions of funds for the purposes provided
11 herein from any person, foreign government, or inter-
12 national organization may be credited to this Fund and
13 used for such purposes: *Provided further*, That the Sec-
14 retary of Defense shall notify the congressional defense
15 committees in writing upon the receipt and upon the obli-
16 gation of any contribution, delineating the sources and
17 amounts of the funds received and the specific use of such
18 contributions: *Provided further*, That the Secretary of De-
19 fense shall, not fewer than 15 days prior to obligating
20 from this appropriation account, notify the congressional
21 defense committees in writing of the details of any such
22 obligation: *Provided further*, That the Secretary of Defense
23 shall notify the congressional defense committees of any
24 proposed new projects or transfer of funds between budget
25 sub-activity groups in excess of \$20,000,000.

1 IRAQ SECURITY FORCES FUND

2 For the “Iraq Security Forces Fund”,
3 \$1,000,000,000, to remain available until September 30,
4 2012: *Provided*, That such funds shall be available to the
5 Secretary of Defense, notwithstanding any other provision
6 of law, for the purpose of allowing the Commander, United
7 States Forces-Iraq, or the Secretary’s designee, to provide
8 assistance, with the concurrence of the Secretary of State,
9 to the security forces of Iraq, including the provision of
10 equipment, supplies, services, training, facility and infra-
11 structure repair, and renovation: *Provided further*, That
12 the authority to provide assistance under this heading is
13 in addition to any other authority to provide assistance
14 to foreign nations: *Provided further*, That contributions of
15 funds for the purposes provided herein from any person,
16 foreign government, or international organization may be
17 credited to this Fund and used for such purposes: *Pro-*
18 *vided further*, That the Secretary shall notify the congres-
19 sional defense committees in writing upon the receipt and
20 upon the obligation of any contribution, delineating the
21 sources and amounts of the funds received and the specific
22 use of such contributions: *Provided further*, That the Sec-
23 retary of Defense shall, not fewer than 15 days prior to
24 obligating from this appropriation account, notify the con-
25 gressional defense committees in writing of the details of

1 any such obligation: *Provided further*, That the Secretary
2 of Defense shall notify the congressional defense commit-
3 tees of any proposed new projects or transfer of funds be-
4 tween budget sub-activity groups in excess of
5 \$20,000,000.

6 PROCUREMENT

7 AIRCRAFT PROCUREMENT, ARMY

8 For an additional amount for “Aircraft Procurement,
9 Army”, \$2,167,748,000, to remain available until Sep-
10 tember 30, 2013.

11 MISSILE PROCUREMENT, ARMY

12 For an additional amount for “Missile Procurement,
13 Army”, \$343,828,000, to remain available until Sep-
14 tember 30, 2013.

15 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

16 VEHICLES, ARMY

17 For an additional amount for “Procurement of Weap-
18 ons and Tracked Combat Vehicles, Army”,
19 \$1,104,996,000, to remain available until September 30,
20 2013.

21 PROCUREMENT OF AMMUNITION, ARMY

22 For an additional amount for “Procurement of Am-
23 munition, Army”, \$369,885,000, to remain available until
24 September 30, 2013.

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$6,276,795,000, to remain available until Sep-
4 tember 30, 2013.

5 AIRCRAFT PROCUREMENT, NAVY

6 For an additional amount for “Aircraft Procurement,
7 Navy”, \$621,258,000, to remain available until September
8 30, 2013.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$93,425,000, to remain available until Sep-
12 tember 30, 2013.

13 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

14 CORPS

15 For an additional amount for “Procurement of Am-
16 muniton, Navy and Marine Corps”, \$565,084,000, to re-
17 main available until September 30, 2013.

18 OTHER PROCUREMENT, NAVY

19 For an additional amount for “Other Procurement,
20 Navy”, \$316,835,000, to remain available until September
21 30, 2013.

22 PROCUREMENT, MARINE CORPS

23 For an additional amount for “Procurement, Marine
24 Corps”, \$1,614,139,000, to remain available until Sep-
25 tember 30, 2013.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$1,976,054,000, to remain available until
4 September 30, 2013.

5 MISSILE PROCUREMENT, AIR FORCE

6 For an additional amount for “Missile Procurement,
7 Air Force”, \$56,621,000, to remain available until Sep-
8 tember 30, 2013.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$292,959,000, to remain available
12 until September 30, 2013.

13 OTHER PROCUREMENT, AIR FORCE

14 For an additional amount for “Other Procurement,
15 Air Force”, \$2,880,414,000, to remain available until
16 September 30, 2013.

17 PROCUREMENT, DEFENSE-WIDE

18 For an additional amount for “Procurement, De-
19 fense-Wide”, \$966,114,000, to remain available until Sep-
20 tember 30, 2013.

21 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Mine Resistant Ambush Protected Vehicle
24 Fund, \$3,415,000,000, to remain available until Sep-
25 tember 30, 2012: *Provided*, That such funds shall be avail-

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Navy”, \$84,301,000, to re-
5 main available until September 30, 2012.

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
7 AIR FORCE

8 For an additional amount for “Research, Develop-
9 ment, Test and Evaluation, Air Force”, \$410,741,000, to
10 remain available until September 30, 2012.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 DEFENSE-WIDE

13 For an additional amount for “Research, Develop-
14 ment, Test and Evaluation, Defense-Wide”,
15 \$234,787,000, to remain available until September 30,
16 2012.

17 REVOLVING AND MANAGEMENT FUNDS

18 DEFENSE WORKING CAPITAL FUNDS

19 For an additional amount for “Defense Working
20 Capital Funds”, \$485,384,000.

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 For an additional amount for “Defense Health Pro-
24 gram”, \$1,398,092,000, which shall be for operation and
25 maintenance.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE

3 For an additional amount for “Drug Interdiction and
4 Counter-Drug Activities, Defense”, \$440,610,000, to re-
5 main available until September 30, 2012.

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

8 For the “Joint Improvised Explosive Device Defeat
9 Fund”, \$2,808,268,000, to remain available until Sep-
10 tember 30, 2013: *Provided*, That such funds shall be avail-
11 able to the Secretary of Defense, notwithstanding any
12 other provision of law, for the purpose of allowing the Di-
13 rector of the Joint Improvised Explosive Device Defeat
14 Organization to investigate, develop and provide equip-
15 ment, supplies, services, training, facilities, personnel and
16 funds to assist United States forces in the defeat of impro-
17 vised explosive devices: *Provided further*, That the Sec-
18 retary of Defense may transfer funds provided herein to
19 appropriations for military personnel; operation and main-
20 tenance; procurement; research, development, test and
21 evaluation; and defense working capital funds to accom-
22 plish the purpose provided herein: *Provided further*, That
23 this transfer authority is in addition to any other transfer
24 authority available to the Department of Defense: *Pro-*
25 *vided further*, That the Secretary of Defense shall, not

1 fewer than 15 days prior to making transfers from this
2 appropriation, notify the congressional defense committees
3 in writing of the details of any such transfer.

4 OFFICE OF THE INSPECTOR GENERAL

5 For an additional amount for the “Office of the In-
6 spector General”, \$10,529,000.

7 GENERAL PROVISIONS—THIS TITLE

8 SEC. 9001. Notwithstanding any other provision of
9 law, funds made available in this title are in addition to
10 amounts appropriated or otherwise made available for the
11 Department of Defense for fiscal year 2011.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 9002. Upon the determination of the Secretary
14 of Defense that such action is necessary in the national
15 interest, the Secretary may, with the approval of the Of-
16 fice of Management and Budget, transfer up to
17 \$4,000,000,000 between the appropriations or funds made
18 available to the Department of Defense in this title: *Pro-*
19 *vided*, That the Secretary shall notify the Congress
20 promptly of each transfer made pursuant to the authority
21 in this section: *Provided further*, That the authority pro-
22 vided in this section is in addition to any other transfer
23 authority available to the Department of Defense and is
24 subject to the same terms and conditions as the authority

1 provided in the Department of Defense Appropriations
2 Act, 2011.

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

12 SEC. 9004. From funds made available in this title,
13 the Secretary of Defense may purchase for use by military
14 and civilian employees of the Department of Defense in
15 Iraq and Afghanistan: (a) passenger motor vehicles up to
16 a limit of \$75,000 per vehicle and (b) heavy and light ar-
17 mored vehicles for the physical security of personnel or
18 for force protection purposes up to a limit of \$250,000
19 per vehicle, notwithstanding price or other limitations ap-
20 plicable to the purchase of passenger carrying vehicles.

21 SEC. 9005. Not to exceed \$900,000,000 of the
22 amount appropriated in this title under the heading “Op-
23 eration and Maintenance, Army” may be used, notwith-
24 standing any other provision of law, to fund the Com-
25 mander’s Emergency Response Program, for the purpose

1 of enabling military commanders in Iraq and Afghanistan
2 to respond to urgent, small scale, humanitarian relief and
3 reconstruction requirements within their areas of responsi-
4 bility: *Provided*, That projects (including any ancillary or
5 related elements in connection with such project) executed
6 under this authority shall not exceed \$20,000,000: *Pro-*
7 *vided further*, That not later than 45 days after the end
8 of each fiscal year quarter, the Secretary of Defense shall
9 submit to the congressional defense committees a report
10 regarding the source of funds and the allocation and use
11 of funds during that quarter that were made available pur-
12 suant to the authority provided in this section or under
13 any other provision of law for the purposes described here-
14 in: *Provided further*, That, not later than 30 days after
15 the end of each month, the Army shall submit to the con-
16 gressional defense committees monthly commitment, obli-
17 gation, and expenditure data for the Commander's Emer-
18 gency Response Program in Iraq and Afghanistan.

19 SEC. 9006. Funds available to the Department of De-
20 fense for operation and maintenance may be used, not-
21 withstanding any other provision of law, to provide sup-
22 plies, services, transportation, including airlift and sealift,
23 and other logistical support to coalition forces supporting
24 military and stability operations in Iraq and Afghanistan:
25 *Provided*, That the Secretary of Defense shall provide

1 quarterly reports to the congressional defense committees
2 regarding support provided under this section.

3 SEC. 9007. Amounts appropriated or otherwise made
4 available by this title are for overseas deployments and
5 other activities.

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

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

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

15 (3) To establish any military installation or
16 base for the purpose of providing for the permanent
17 stationing of United States Armed Forces in Af-
18 ghanistan.

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

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

3 (2) Section 2242 of the Foreign Affairs Reform
4 and Restructuring Act of 1998 (division G of Public
5 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
6 note) and regulations prescribed thereto, including
7 regulations under part 208 of title 8, Code of Fed-
8 eral Regulations, and part 95 of title 22, Code of
9 Federal Regulations.

10 (3) Sections 1002 and 1003 of the Department
11 of Defense, Emergency Supplemental Appropriations
12 to Address Hurricanes in the Gulf of Mexico, and
13 Pandemic Influenza Act, 2006 (Public Law 109–
14 148).

15 SEC. 9010. (a) The Secretary of Defense shall submit
16 to the congressional defense committees not later than 45
17 days after the end of each fiscal quarter a report on the
18 proposed use of all funds appropriated by this or any prior
19 Act under each of the headings Iraq Security Forces
20 Fund, Afghanistan Security Forces Fund, and Pakistan
21 Counterinsurgency Fund on a project-by-project basis, for
22 which the obligation of funds is anticipated during the 3-
23 month period from such date, including estimates by the
24 commanders referred to in this section of the costs re-
25 quired to complete each such project.

1 (b) The report required by this subsection shall in-
2 clude the following:

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

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

17 (3) An estimated total cost to train and equip
18 the Iraq, Afghanistan, and Pakistan security forces,
19 disaggregated by major program and sub-elements
20 by force, arrayed by fiscal year.

21 SEC. 9011. (a) None of the funds made available in
22 this or any other Act may be used to release an individual
23 who is detained, as of June 24, 2009, at Naval Station,
24 Guantanamo Bay, Cuba, into the continental United
25 States, Alaska, Hawaii, or the District of Columbia, into

1 any of the United States territories of Guam, American
2 Samoa (AS), the United States Virgin Islands (USVI), the
3 Commonwealth of Puerto Rico and the Commonwealth of
4 the Northern Mariana Islands (CNMI).

5 (b) None of the funds made available in this or any
6 other Act may be used to transfer an individual who is
7 detained, as of June 24, 2009, at Naval Station, Guanta-
8 namo Bay, Cuba, into the continental United States, Alas-
9 ka, Hawaii, or the District of Columbia, into any of the
10 United States territories of Guam, American Samoa (AS),
11 the United States Virgin Islands (USVI), the Common-
12 wealth of Puerto Rico and the Commonwealth of the
13 Northern Mariana Islands (CNMI), for the purpose of de-
14 tention, except as provided in subsection (c).

15 (c) None of the funds made available in this or any
16 other Act may be used to transfer an individual who is
17 detained, as of June 24, 2009, at Naval Station, Guanta-
18 namo Bay, Cuba, into the continental United States, Alas-
19 ka, Hawaii, or the District of Columbia, into any of the
20 United States territories of Guam, American Samoa (AS),
21 the United States Virgin Islands (USVI), the Common-
22 wealth of Puerto Rico and the Commonwealth of the
23 Northern Mariana Islands (CNMI), for the purposes of
24 prosecuting such individual, or detaining such individual

1 during legal proceedings, until 45 days after the plan de-
2 scribed in subsection (d) is received.

3 (d) The President shall submit to Congress, in classi-
4 fied form, a plan regarding the proposed disposition of any
5 individual covered by subsection (c) who is detained as of
6 June 24, 2009. Such plan shall include, at a minimum,
7 each of the following for each such individual:

8 (1) A determination of the risk that the indi-
9 vidual might instigate an act of terrorism within the
10 continental United States, Alaska, Hawaii, the Dis-
11 trict of Columbia, or the United States territories if
12 the individual were so transferred.

13 (2) A determination of the risk that the indi-
14 vidual might advocate, coerce, or incite violent extre-
15 mism, ideologically motivated criminal activity, or
16 acts of terrorism, among inmate populations at in-
17 carceration facilities within the continental United
18 States, Alaska, Hawaii, the District of Columbia, or
19 the United States territories if the individual were
20 transferred to such a facility.

21 (3) The costs associated with transferring the
22 individual in question.

23 (4) The legal rationale and associated court de-
24 mands for transfer.

1 (5) A plan for mitigation of any risks described
2 in paragraphs (1), (2), and (7).

3 (6) A copy of a notification to the Governor of
4 the State to which the individual will be transferred,
5 to the Mayor of the District of Columbia if the indi-
6 vidual will be transferred to the District of Colum-
7 bia, or to any United States territories with a certifi-
8 cation by the Attorney General of the United States
9 in classified form at least 14 days prior to such
10 transfer (together with supporting documentation
11 and justification) that the individual poses little or
12 no security risk to the United States.

13 (7) An assessment of any risk to the national
14 security of the United States or its citizens, includ-
15 ing members of the Armed Services of the United
16 States, that is posed by such transfer and the ac-
17 tions taken to mitigate such risk.

18 (e) None of the funds made available in this or any
19 other Act may be used to transfer or release an individual
20 detained at Naval Station, Guantanamo Bay, Cuba, as of
21 June 24, 2009, to the country of such individual's nation-
22 ality or last habitual residence or to any other country
23 other than the United States or to a freely associated
24 State, unless the President submits to the Congress, in

1 classified form, at least 15 days prior to such transfer or
2 release, the following information:

3 (1) The name of any individual to be trans-
4 ferred or released and the country or the freely asso-
5 ciated State to which such individual is to be trans-
6 ferred or released.

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

12 (3) The terms of any agreement with the coun-
13 try or the freely associated State for the acceptance
14 of such individual, including the amount of any fi-
15 nancial assistance related to such agreement.

16 (f) In this section, the term freely associated States
17 means the Federated States of Micronesia (FSM), the Re-
18 public of the Marshall Islands (RMI), and the Republic
19 of Palau.

20 (g) Prior to the termination of detention operations
21 at Naval Station, Guantanamo Bay, Cuba, the President
22 shall submit to the Congress a report in classified form
23 describing the disposition or legal status of each individual
24 detained at the facility as of the date of enactment of this
25 Act.

1 SEC. 9012. Funds made available in this title to the
2 Department of Defense for operation and maintenance
3 may be used to purchase items having an investment unit
4 cost of not more than \$250,000: *Provided*, That, upon de-
5 termination by the Secretary of Defense that such action
6 is necessary to meet the operational requirements of a
7 Commander of a Combatant Command engaged in contin-
8 gency operations overseas, such funds may be used to pur-
9 chase items having an investment item unit cost of not
10 more than \$500,000.

11 This Act may be cited as the Department of Defense
12 Appropriations Act, 2011.

Calendar No. 571

11TH CONGRESS
2^D SESSION

S. 3800

[Report No. 111-295]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

SEPTEMBER 16, 2010

Read twice and placed on the calendar