

## **National Defense Authorization Act For Fiscal Year 2010**

[Public Law 111–84]

[As Amended Through P.L. 118–159, Enacted December 23, 2024]

【Currency: This publication is a compilation of the text of Public Law 111–84. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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### **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

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### **TITLE V—MILITARY PERSONNEL POLICY**

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### **Subtitle C—Education and Training**

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#### **SEC. 529. [10 U.S.C. 2001 note prec.] LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE**

(a) PROGRAM AUTHORIZED.—The Secretary of Defense shall carry out a program to establish language training centers at accredited universities, senior military colleges, or other similar institutions of higher education for purposes of accelerating the development of foundational expertise in critical and strategic languages

and regional area studies (as defined by the Secretary of Defense for purposes of this section) for members of the Armed Forces, including members of the reserve components and candidates of the Reserve Officers' Training Corps programs, and civilian employees of the Department of Defense.

(b) **ELEMENTS.**—Each language training center established under the program authorized by subsection (a) shall include the following:

(1) Programs to provide that members of the Armed Forces or civilian employees of the Department of Defense who graduate from the institution of higher education concerned include members or employees, as the case may be, who are skilled in the languages and area studies covered by the program from beginning through advanced skill levels.

(2) Programs of language proficiency training for such members and civilian employees at the institution of higher education concerned in critical and strategic languages tailored to meet operational readiness requirements.

(3) Alternative language training delivery systems and modalities to meet language and regional area study requirements for such members and employees whether prior to deployment, during deployment, or post-deployment.

(4) Programs on critical and strategic languages under the program that can be incorporated into Reserve Officers' Training Corps programs to facilitate the development of language skills in such languages among future officers of the Armed Forces.

(5) Training and education programs to expand the pool of qualified instructors and educators on critical and strategic languages and regional area studies under the program for the Armed Forces.

(6) Programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(c) **PARTNERSHIPS WITH OTHER SCHOOLS.**—Any language training center established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of skills in critical and strategic languages under the program among students attending the elementary and secondary schools of such agencies who may pursue a military career.

(d) **COORDINATION.**—The Secretary of Defense shall ensure that the language training centers established under the program authorized by subsection (a) are aligned with those of the National Security Education Program, the Defense Language Institute, and other appropriate Department of Defense programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(e) **CONTRACT AUTHORITY.**—The Secretary of Defense may enter into one or more contracts, cooperative agreements, or grants

with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of grants to accredited universities, senior military colleges, or other similar institutions of higher education to establish and maintain language training centers authorized by subsection (a).

(f) REPORT.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, the Secretary of Defense shall submit to the congressional defense committees a report on the Language Training Center program. The report shall include the following:

(1) A description of each language training center established under the program.

(2) An assessment of the cost-effectiveness of the program in providing foundational expertise in critical and strategic languages and regional area studies in support of the Defense Language Transformation Roadmap.

(3) An assessment of the progress made by each language training center in providing capabilities in critical and strategic languages under the program to members of the Armed Forces and Department of Defense employees.

(4) An assessment of the resources required to carry out the Language Training Center program by year through fiscal year 2027.

(5) Recommendations as to any modifications to the Language Training Center program that the Secretary considers appropriate.

## Subtitle D—Defense Dependents’ Education

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### SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$14,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572, as amended by section 533 of this Act.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

## **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

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### **Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation**

#### **SEC. 811. [41 U.S.C. 3304 note] JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide that the head of an agency may not award a sole-source contract in a covered procurement for an amount exceeding \$20,000,000 unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing;

(2) the justification is approved by the appropriate official designated to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract; and

(3) the justification and related information are made public as provided in sections 3204(e)(1)(C) and 3204(f) of title 10, United States Code, or sections 303(f)(1)(C) and 303(j) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(C) and 253(j)), as applicable.

(b) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(3) A determination that the use of a sole-source contract is in the best interest of the agency concerned.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the head of the agency concerned shall specify for purposes of this section.

(c) DEFINITIONS.—In this section:

(1) COVERED PROCUREMENT.—The term “covered procurement” means either of the following:

(A) A procurement described in section 3204(e)(4)(D)(ii) of title 10, United States Code.

(B) A procurement described in section 303(f)(2)(D)(ii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(2)(D)(ii)).

(2) HEAD OF AN AGENCY.—The term “head of an agency”—

(A) in the case of a covered procurement as defined in paragraph (1)(A), has the meaning provided in section 3004 of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), has the meaning provided the term “agency head” in section 309(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(a)).

(3) APPROPRIATE OFFICIAL.—The term “appropriate official” means—

(A) in the case of a covered procurement as defined in paragraph (1)(A), an official designated in section 3204(e)(1)(B) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), an official designated in section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)).

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## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

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### Subtitle A—Assistance and Training

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【Section 1207 was repealed by section 1242(c)(2) of division A of Public Law 114-328.】

### Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

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#### SEC. 1224. PAKISTAN COUNTERINSURGENCY FUND.

(a) AVAILABILITY.—

(1) AMOUNTS IN THE FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the “Fund”) shall consist of the following:

(A) Amounts appropriated to the Fund for fiscal year 2009.

(B) Amounts transferred to the Fund pursuant to subsection (d).

(2) INITIAL ASSESSMENT REQUIRED.—Concurrent with the initial use of funds available under this section, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth an assessment by the Secretary

as to whether the Government of Pakistan is making concerted efforts to confront the threat posed by al Qa'ida, the Taliban, and other militant extremists based on the national security interests of Pakistan.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to the security forces of Pakistan (including military forces, police forces, and the Frontier Corps) to build and maintain the counterinsurgency capability of such forces, and of which not more than \$4,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for such forces receiving assistance under the Fund.

(2) REQUIRED ELEMENTS OF ASSISTANCE.—Assistance provided to the security forces of Pakistan under this section in a fiscal year after fiscal year 2010 shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within Pakistan.

(3) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1225 of this Act, amounts in the Fund are authorized to be made available subject only to the terms and conditions of this section and notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account, for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsection (b)(2), amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under

paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be subject to any restriction relating to payments for Letters of Offer and Acceptance as a condition of the authority to transfer funds under paragraph (1), and merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) CONGRESSIONAL NOTIFICATION.—Amounts in the Fund may not be transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed transfer.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the appropriate congressional committees a report that summarizes, on a project-by-project basis, any transfer of funds from the Fund under this section during such fiscal quarter.

(2) MATTERS TO BE INCLUDED.—The Secretary of Defense, with the concurrence with the Secretary of State, shall include in the report required under paragraph (1) the following:

(A) A discussion of progress in achieving United States strategic objectives in Pakistan during such fiscal quarter, utilizing metrics used to track progress in achieving such strategic objectives.

(B) A discussion of progress made by programs supported from amounts in the Fund during such fiscal quarter.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(h) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2013.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2013,

may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

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#### SUBTITLE C—OTHER MATTERS

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【Section 1244 was repealed by section 1271(c) of division A of Public Law 117-263.】

#### SEC. 1245. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) **ANNUAL REPORT.**—Not later than January 30 of each year, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of Iran.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include a description of the security posture of Iran, including at least the following:

(1) A description and assessment of Iranian grand strategy, security strategy, and military strategy, including—

(A) the goals of Iran’s grand strategy, security strategy, and military strategy.

(B) any adjustments to the use of proxy forces by Iran;

(C) trends in Iran’s strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world;

(D) Iranian strategy regarding other countries in the region, including other specified countries;<sup>1</sup>

(E) Iranian strategy regarding offensive cyber capabilities and defensive cyber capabilities; and<sup>1</sup>

(2) An assessment of the capabilities of Iran’s conventional forces, including—

(A) the size and capabilities of Iran’s conventional forces;

(B) the effectiveness of Iran’s conventional forces when facing United States forces in the region and other specified countries;

(C) a description of Iranian military doctrine, including Iranian anti-access or area denial and other maritime harassment capabilities; and

(D) an estimate of the funding provided for each branch of Iran’s conventional forces and Iran’s unconventional or parallel military forces.

(3) An assessment of Iran’s unconventional forces and related activities, including—

(A) the size and capability of Iranian special operations units, including the Islamic Revolutionary Guard Corps-Quds Force;

(B) the types and amount of support, including funding, lethal and non-lethal supplies, and training, provided

<sup>1</sup>The double semicolons at the end of subparagraph (D) and “; and” instead of a period at the end of subparagraph (E) are so in law. See amendments made by subparagraphs (A) and (B) of section 1222(a)(1) of division A of Public Law 118-159.



to groups designated by the United States as foreign terrorist organizations, regional militant groups, and Iranian-linked proxy groups, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran;

(C) the types and amount of support to be assessed under subparagraph (B) shall include support provided to Lebanese Hezbollah, Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, Asa'ib ahl al-Haq, Harakat Hezbollah al-Nujaba, Kata'ib Sayyid al-Shuhada, Kata'ib al-Imam Ali, Kata'ib Hezbollah, the Badr Organization, the Fatemiyoun, the Zainabiyoun, and Ansar Allah (also known as the "Houthis");

(D) the threat from Special Groups in Iraq, including Kata'ib Hezbollah and Asa'ib Ahl al-Haq, to United States and coalition forces located in Iraq and Syria;

(E) the role of Iran in supporting, facilitating, directing, or conducting attacks on United States forces in the region;

(F) an analysis of the effectiveness of Iran's unconventional forces when facing United States forces in the region and other specified countries in the region;

(G) an estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups;

(H) a description of the structure of Iran's global network of terrorist and criminal groups and an analysis of the capability of such network of groups and how such network of groups operates to support and reinforce Iran's grand strategy;

(I) Iran's cyber capabilities, including—

(i) Iran's ability to use proxies and other actors to mask its cyber operations;

(ii) Iran's ability to target United States governmental and nongovernmental entities and activities; and

(iii) cooperation with or assistance from state and non-state actors in support or enhancement of Iran's cyber capabilities;

(J) Iranian ability to manipulate the information environment both domestically and against the interests of the United States and its allies; and

(K) all formal or informal agreements involving a strategic military or security partnership with the Russian Federation, the People's Republic of China, or any proxies of either such country; and <sup>2</sup>

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including—

(A) a summary of nuclear weapons capabilities and developments in the preceding year;

<sup>2</sup>So in law. Probably should be a period at the end of paragraph (3). See the amendment made by section 1222(a)(3)(B) of division A of Public Law 118-159.

(B) a summary of the capabilities of Iran's ballistic missile forces, including developments in the preceding year, the size of Iran's ballistic missile forces and Iran's cruise missile forces, and the locations of missile launch, storage, and production sites;

(C) a detailed analysis of the effectiveness of Iran's ballistic missile forces and Iran's cruise missile forces when facing United States forces in the region and other specified countries<sup>3</sup>

(D) an estimate of the amount of funding expended by Iran since 2004 on programs to develop a capability to build nuclear weapons or to enhance Iran's ballistic missile forces;

(E) an assessment of Iran's space launch vehicle program and the ability of Iran to use those technologies to develop and field an intermediate-range ballistic missile or an intercontinental ballistic missile;

(F) a detailed analysis of the effectiveness of Iran's drone forces and the exportation of Iranian drones to the Middle East and Europe; and

(G) a description or estimation of the threat posed by Iran's Islamic Revolutionary Guard Corps to European citizens or to member countries of the European Union.

(5) An assessment of transfers to and from Iran of military equipment, technology, and training from or to non-Iranian sources or destinations, including transfers that pertain to nuclear development, ballistic missiles, and chemical, biological, and advanced conventional weapons, weapon systems, and delivery vehicles.

(6) An assessment of the use of civilian transportation assets and infrastructure, including commercial aircraft, airports, commercial vessels, and seaports, used to transport illicit military cargo to or from Iran, including military personnel, military goods, weapons, military-related electric parts, and related components.

(7) An assessment of military-to-military cooperation between Iran and foreign countries, including the People's Republic of China, Cuba, North Korea, Pakistan, the Russian Federation, Sudan, Syria, Venezuela, and any other country designated by the Secretary of Defense with additional reference to cooperation and collaboration on the trafficking or development of nuclear, biological, chemical, and advanced conventional weapons, weapon systems, and delivery vehicles.

(8) An assessment of the extent to which the commercial aviation sector of Iran knowingly provides financial, material, or technological support to the Islamic Revolutionary Guard Corps, the Ministry of Defense and Armed Forces Logistics of Iran, the Bashar al-Assad regime, Hezbollah, Hamas, Kata'ib Hezbollah, or any other foreign terrorist organization.

<sup>3</sup> Lack of punctuation at the end of subparagraph (C) is so in law. Section 1268(a)(2)(B) of division A of Public Law 118-31 struck “; and” at the end of subparagraph (C).

(9) An assessment of the use of civilians by groups supported by Iran to shield military objectives from attack, including groups such as—

- (A) Hezbollah, Hamas, and the Houthis; and
- (B) the Special Groups in Iraq.

(10) An assessment of the threat posed by Iran against United States and partner military bases, to include missile, unmanned aircraft systems, and loitering munition attacks.

(11) An assessment of the sale, supply, or transfer of narcotics in the Middle East region by the Islamic Revolutionary Guard Corps and Iran backed groups.

(12) An assessment of groups that are supported by Iran and designated by the United States as foreign terrorist organizations and regional military groups, including Hezbollah, Hamas, the Houthis, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran.

(13) An assessment of how Iran would utilize additional resources to further activities described in paragraphs (1) through (12).

(14) An assessment of the manner and extent to which the advances or improvements in the capabilities of Iran's conventional and unconventional forces described in this section have affected Israel's qualitative military edge during the preceding year.

(c) DEFINITIONS.—In this section:

(1) IRAN'S CONVENTIONAL FORCES.—The term "Iran's conventional forces"—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise missile forces; and

(B) includes all branches and sub-branches of Iran's national army or Artesh, such as its ground forces, air force, navy, and air defense forces as well as most branches of its parallel military, and the Islamic Revolutionary Guard Corps excluding its Quds-Force.

(2) IRAN'S UNCONVENTIONAL FORCES.—The term "Iran's unconventional forces"—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Islamic Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran or its regional interests.

(3) IRAN'S BALLISTIC MISSILE FORCES.—The term “Iran’s ballistic missile forces” means those elements of the military forces of Iran that employ ballistic missiles.

(4) IRAN'S CRUISE MISSILE FORCES.—The term “Iran’s cruise missile forces” means those elements of the military forces of Iran that employ cruise missiles <sup>4</sup>

(5) SPECIFIED COUNTRIES.—The term “specified countries” means the countries in the same geographic region as Iran, including Israel, Lebanon, Syria, Jordan, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2026.

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<sup>4</sup>There is no punctuation at the end of paragraph (4). See amendment made by section 1222(b)(3) of division A of Public Law 118–159.