

In the House of Representatives, U. S.,

December 16, 2009.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3326) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

5 *The table of contents of this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS

Title I—Military Personnel

Title II—Operation and Maintenance

Title III—Procurement

Title IV—Research, Development, Test and Evaluation

Title V—Revolving and Management Funds

Title VI—Other Department of Defense Programs

Title VII—Related Agencies

Title VIII—General Provisions

Title IX—Overseas Contingency Operations

DIVISION B—OTHER MATTERS

1 **SEC. 3. REFERENCES.**

2 *Except as expressly provided otherwise, any reference*
3 *to “this Act” contained in any division of this Act shall*
4 *be treated as referring only to the provisions of that divi-*
5 *sion.*

6 **DIVISION A—DEPARTMENT OF DEFENSE**
7 **APPROPRIATIONS**

8 *The following sums are appropriated, out of any*
9 *money in the Treasury not otherwise appropriated, for the*
10 *fiscal year ending September 30, 2010, for military func-*
11 *tions administered by the Department of Defense and for*
12 *other purposes, namely:*

13 **TITLE I**

14 **MILITARY PERSONNEL**

15 **MILITARY PERSONNEL, ARMY**

16 *For pay, allowances, individual clothing, subsistence,*
17 *interest on deposits, gratuities, permanent change of station*
18 *travel (including all expenses thereof for organizational*
19 *movements), and expenses of temporary duty travel between*
20 *permanent duty stations, for members of the Army on active*
21 *duty, (except members of reserve components provided for*
22 *elsewhere), cadets, and aviation cadets; for members of the*
23 *Reserve Officers’ Training Corps; and for payments pursu-*
24 *ant to section 156 of Public Law 97–377, as amended (42*
25 *U.S.C. 402 note), and to the Department of Defense Mili-*
26 *tary Retirement Fund, \$41,005,612,000.*

1 *MILITARY PERSONNEL, NAVY*

2 *For pay, allowances, individual clothing, subsistence,*
3 *interest on deposits, gratuities, permanent change of station*
4 *travel (including all expenses thereof for organizational*
5 *movements), and expenses of temporary duty travel between*
6 *permanent duty stations, for members of the Navy on active*
7 *duty (except members of the Reserve provided for elsewhere),*
8 *midshipmen, and aviation cadets; for members of the Re-*
9 *serve Officers' Training Corps; and for payments pursuant*
10 *to section 156 of Public Law 97-377, as amended (42*
11 *U.S.C. 402 note), and to the Department of Defense Mili-*
12 *tary Retirement Fund, \$25,289,049,000.*

13 *MILITARY PERSONNEL, MARINE CORPS*

14 *For pay, allowances, individual clothing, subsistence,*
15 *interest on deposits, gratuities, permanent change of station*
16 *travel (including all expenses thereof for organizational*
17 *movements), and expenses of temporary duty travel between*
18 *permanent duty stations, for members of the Marine Corps*
19 *on active duty (except members of the Reserve provided for*
20 *elsewhere); and for payments pursuant to section 156 of*
21 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*
22 *to the Department of Defense Military Retirement Fund,*
23 *\$12,799,990,000.*

1 *MILITARY PERSONNEL, AIR FORCE*

2 *For pay, allowances, individual clothing, subsistence,*
3 *interest on deposits, gratuities, permanent change of station*
4 *travel (including all expenses thereof for organizational*
5 *movements), and expenses of temporary duty travel between*
6 *permanent duty stations, for members of the Air Force on*
7 *active duty (except members of reserve components provided*
8 *for elsewhere), cadets, and aviation cadets; for members of*
9 *the Reserve Officers' Training Corps; and for payments*
10 *pursuant to section 156 of Public Law 97-377, as amended*
11 *(42 U.S.C. 402 note), and to the Department of Defense*
12 *Military Retirement Fund, \$26,174,136,000.*

13 *RESERVE PERSONNEL, ARMY*

14 *For pay, allowances, clothing, subsistence, gratuities,*
15 *travel, and related expenses for personnel of the Army Re-*
16 *serve on active duty under sections 10211, 10302, and 3038*
17 *of title 10, United States Code, or while serving on active*
18 *duty under section 12301(d) of title 10, United States Code,*
19 *in connection with performing duty specified in section*
20 *12310(a) of title 10, United States Code, or while under-*
21 *going reserve training, or while performing drills or equiva-*
22 *lent duty or other duty, and expenses authorized by section*
23 *16131 of title 10, United States Code; and for payments*
24 *to the Department of Defense Military Retirement Fund,*
25 *\$4,304,713,000.*

1 *partment of Defense Military Retirement Fund,*
2 *\$613,500,000.*

3 *RESERVE PERSONNEL, AIR FORCE*

4 *For pay, allowances, clothing, subsistence, gratuities,*
5 *travel, and related expenses for personnel of the Air Force*
6 *Reserve on active duty under sections 10211, 10305, and*
7 *8038 of title 10, United States Code, or while serving on*
8 *active duty under section 12301(d) of title 10, United States*
9 *Code, in connection with performing duty specified in sec-*
10 *tion 12310(a) of title 10, United States Code, or while un-*
11 *dergoing reserve training, or while performing drills or*
12 *equivalent duty or other duty, and expenses authorized by*
13 *section 16131 of title 10, United States Code; and for pay-*
14 *ments to the Department of Defense Military Retirement*
15 *Fund, \$1,589,412,000.*

16 *NATIONAL GUARD PERSONNEL, ARMY*

17 *For pay, allowances, clothing, subsistence, gratuities,*
18 *travel, and related expenses for personnel of the Army Na-*
19 *tional Guard while on duty under section 10211, 10302,*
20 *or 12402 of title 10 or section 708 of title 32, United States*
21 *Code, or while serving on duty under section 12301(d) of*
22 *title 10 or section 502(f) of title 32, United States Code,*
23 *in connection with performing duty specified in section*
24 *12310(a) of title 10, United States Code, or while under-*
25 *going training, or while performing drills or equivalent*

1 *duty or other duty, and expenses authorized by section*
2 *16131 of title 10, United States Code; and for payments*
3 *to the Department of Defense Military Retirement Fund,*
4 *\$7,546,905,000.*

5 *NATIONAL GUARD PERSONNEL, AIR FORCE*

6 *For pay, allowances, clothing, subsistence, gratuities,*
7 *travel, and related expenses for personnel of the Air Na-*
8 *tional Guard on duty under section 10211, 10305, or 12402*
9 *of title 10 or section 708 of title 32, United States Code,*
10 *or while serving on duty under section 12301(d) of title 10*
11 *or section 502(f) of title 32, United States Code, in connec-*
12 *tion with performing duty specified in section 12310(a) of*
13 *title 10, United States Code, or while undergoing training,*
14 *or while performing drills or equivalent duty or other duty,*
15 *and expenses authorized by section 16131 of title 10, United*
16 *States Code; and for payments to the Department of Defense*
17 *Military Retirement Fund, \$2,938,229,000.*

18 *TITLE II*

19 *OPERATION AND MAINTENANCE*

20 *OPERATION AND MAINTENANCE, ARMY*

21 *For expenses, not otherwise provided for, necessary for*
22 *the operation and maintenance of the Army, as authorized*
23 *by law; and not to exceed \$12,478,000 can be used for emer-*
24 *gencies and extraordinary expenses, to be expended on the*
25 *approval or authority of the Secretary of the Army, and*

1 *payments may be made on his certificate of necessity for*
2 *confidential military purposes, \$30,934,550,000.*

3 *OPERATION AND MAINTENANCE, NAVY*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance of the Navy and the Marine*
6 *Corps, as authorized by law; and not to exceed \$14,657,000*
7 *can be used for emergencies and extraordinary expenses, to*
8 *be expended on the approval or authority of the Secretary*
9 *of the Navy, and payments may be made on his certificate*
10 *of necessity for confidential military purposes,*
11 *\$34,714,396,000.*

12 *OPERATION AND MAINTENANCE, MARINE CORPS*

13 *For expenses, not otherwise provided for, necessary for*
14 *the operation and maintenance of the Marine Corps, as au-*
15 *thorized by law, \$5,539,117,000.*

16 *OPERATION AND MAINTENANCE, AIR FORCE*

17 *For expenses, not otherwise provided for, necessary for*
18 *the operation and maintenance of the Air Force, as author-*
19 *ized by law; and not to exceed \$7,699,000 can be used for*
20 *emergencies and extraordinary expenses, to be expended on*
21 *the approval or authority of the Secretary of the Air Force,*
22 *and payments may be made on his certificate of necessity*
23 *for confidential military purposes, \$33,477,116,000.*

1 *liaison office: Provided further, That \$6,667,000, to remain*
2 *available until expended, is available only for expenses re-*
3 *lating to certain classified activities, and may be trans-*
4 *ferred as necessary by the Secretary to operation and main-*
5 *tenance appropriations or research, development, test and*
6 *evaluation appropriations, to be merged with and to be*
7 *available for the same time period as the appropriations*
8 *to which transferred: Provided further, That any ceiling on*
9 *the investment item unit cost of items that may be pur-*
10 *chased with operation and maintenance funds shall not*
11 *apply to the funds described in the preceding proviso: Pro-*
12 *vided further, That the transfer authority provided under*
13 *this heading is in addition to any other transfer authority*
14 *provided elsewhere in this Act.*

15 *OPERATION AND MAINTENANCE, ARMY RESERVE*

16 *For expenses, not otherwise provided for, necessary for*
17 *the operation and maintenance, including training, organi-*
18 *zation, and administration, of the Army Reserve; repair of*
19 *facilities and equipment; hire of passenger motor vehicles;*
20 *travel and transportation; care of the dead; recruiting; pro-*
21 *curement of services, supplies, and equipment; and commu-*
22 *nications, \$2,617,496,000.*

23 *OPERATION AND MAINTENANCE, NAVY RESERVE*

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

1 zation, and administration, of the Navy Reserve; repair of
2 facilities and equipment; hire of passenger motor vehicles;
3 travel and transportation; care of the dead; recruiting; pro-
4 curement of services, supplies, and equipment; and commu-
5 nications, \$1,273,701,000.

6 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

7 *For expenses, not otherwise provided for, necessary for*
8 *the operation and maintenance, including training, organi-*
9 *zation, and administration, of the Marine Corps Reserve;*
10 *repair of facilities and equipment; hire of passenger motor*
11 *vehicles; travel and transportation; care of the dead; recruit-*
12 *ing; procurement of services, supplies, and equipment; and*
13 *communications, \$223,175,000.*

14 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

15 *For expenses, not otherwise provided for, necessary for*
16 *the operation and maintenance, including training, organi-*
17 *zation, and administration, of the Air Force Reserve; repair*
18 *of facilities and equipment; hire of passenger motor vehicles;*
19 *travel and transportation; care of the dead; recruiting; pro-*
20 *curement of services, supplies, and equipment; and commu-*
21 *nications, \$3,131,200,000.*

22 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

23 *For expenses of training, organizing, and admin-*
24 *istering the Army National Guard, including medical and*
25 *hospital treatment and related expenses in non-Federal hos-*

1 *pitals; maintenance, operation, and repairs to structures*
2 *and facilities; hire of passenger motor vehicles; personnel*
3 *services in the National Guard Bureau; travel expenses*
4 *(other than mileage), as authorized by law for Army per-*
5 *sonnel on active duty, for Army National Guard division,*
6 *regimental, and battalion commanders while inspecting*
7 *units in compliance with National Guard Bureau regula-*
8 *tions when specifically authorized by the Chief, National*
9 *Guard Bureau; supplying and equipping the Army Na-*
10 *tional Guard as authorized by law; and expenses of repair,*
11 *modification, maintenance, and issue of supplies and*
12 *equipment (including aircraft), \$6,189,713,000.*

13 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

14 *For expenses of training, organizing, and admin-*
15 *istering the Air National Guard, including medical and*
16 *hospital treatment and related expenses in non-Federal hos-*
17 *pitals; maintenance, operation, and repairs to structures*
18 *and facilities; transportation of things, hire of passenger*
19 *motor vehicles; supplying and equipping the Air National*
20 *Guard, as authorized by law; expenses for repair, modifica-*
21 *tion, maintenance, and issue of supplies and equipment,*
22 *including those furnished from stocks under the control of*
23 *agencies of the Department of Defense; travel expenses (other*
24 *than mileage) on the same basis as authorized by law for*
25 *Air National Guard personnel on active Federal duty, for*

1 *Air National Guard commanders while inspecting units in*
2 *compliance with National Guard Bureau regulations when*
3 *specifically authorized by the Chief, National Guard Bu-*
4 *reau, \$5,882,251,000.*

5 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
6 *FORCES*

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

11 *ENVIRONMENTAL RESTORATION, ARMY*
12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the Department of the Army, \$423,364,000, to re-*
14 *main available until transferred: Provided, That the Sec-*
15 *retary of the Army shall, upon determining that such funds*
16 *are required for environmental restoration, reduction and*
17 *recycling of hazardous waste, removal of unsafe buildings*
18 *and debris of the Department of the Army, or for similar*
19 *purposes, transfer the funds made available by this appro-*
20 *priation to other appropriations made available to the De-*
21 *partment of the Army, to be merged with and to be available*
22 *for the same purposes and for the same time period as the*
23 *appropriations to which transferred: Provided further, That*
24 *upon a determination that all or part of the funds trans-*
25 *ferred from this appropriation are not necessary for the*

1 *purposes provided herein, such amounts may be transferred*
2 *back to this appropriation: Provided further, That the*
3 *transfer authority provided under this heading is in addi-*
4 *tion to any other transfer authority provided elsewhere in*
5 *this Act.*

6 *ENVIRONMENTAL RESTORATION, NAVY*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For the Department of the Navy, \$285,869,000, to re-*
9 *main available until transferred: Provided, That the Sec-*
10 *retary of the Navy shall, upon determining that such funds*
11 *are required for environmental restoration, reduction and*
12 *recycling of hazardous waste, removal of unsafe buildings*
13 *and debris of the Department of the Navy, or for similar*
14 *purposes, transfer the funds made available by this appro-*
15 *priation to other appropriations made available to the De-*
16 *partment of the Navy, to be merged with and to be available*
17 *for the same purposes and for the same time period as the*
18 *appropriations to which transferred: Provided further, That*
19 *upon a determination that all or part of the funds trans-*
20 *ferred from this appropriation are not necessary for the*
21 *purposes provided herein, such amounts may be transferred*
22 *back to this appropriation: Provided further, That the*
23 *transfer authority provided under this heading is in addi-*
24 *tion to any other transfer authority provided elsewhere in*
25 *this Act.*

1 *ENVIRONMENTAL RESTORATION, AIR FORCE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For the Department of the Air Force, \$494,276,000,*
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 unsafe*
8 *buildings and debris of the Department of the Air Force,*
9 *or for similar purposes, transfer the funds made available*
10 *by this appropriation to other appropriations made avail-*
11 *able to the Department of the Air Force, to be merged with*
12 *and to be available for the same purposes and for the same*
13 *time period as the appropriations to which transferred:*
14 *Provided further, That upon a determination that all or*
15 *part of the funds transferred from this appropriation are*
16 *not necessary for the purposes provided herein, such*
17 *amounts may be transferred back to this appropriation:*
18 *Provided further, That the transfer authority provided*
19 *under this heading is in addition to any other transfer au-*
20 *thority provided elsewhere in this Act.*

21 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the Department of Defense, \$11,100,000, to remain*
24 *available until transferred: Provided, That the Secretary of*
25 *Defense shall, upon determining that such funds are re-*

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

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

18 *For the Department of the Army, \$292,700,000, to re-*
19 *main available until transferred: Provided, That the Sec-*
20 *retary of the Army shall, upon determining that such funds*
21 *are required for environmental restoration, reduction and*
22 *recycling of hazardous waste, removal of unsafe buildings*
23 *and debris at sites formerly used by the Department of De-*
24 *fense, transfer the funds made available by this appropria-*
25 *tion to other appropriations made available to the Depart-*

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

11 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

12 *For expenses relating to the Overseas Humanitarian,*
13 *Disaster, and Civic Aid programs of the Department of De-*
14 *fense (consisting of the programs provided under sections*
15 *401, 402, 404, 407, 2557, and 2561 of title 10, United*
16 *States Code), \$109,869,000, to remain available until Sep-*
17 *tember 30, 2011.*

18 *COOPERATIVE THREAT REDUCTION ACCOUNT*

19 *For assistance to the republics of the former Soviet*
20 *Union and, with appropriate authorization by the Depart-*
21 *ment of Defense and Department of State, to countries out-*
22 *side of the former Soviet Union, including assistance pro-*
23 *vided by contract or by grants, for facilitating the elimi-*
24 *nation and the safe and secure transportation and storage*
25 *of nuclear, chemical and other weapons; for establishing*

1 *programs to prevent the proliferation of weapons, weapons*
2 *components, and weapon-related technology and expertise;*
3 *for programs relating to the training and support of defense*
4 *and military personnel for demilitarization and protection*
5 *of weapons, weapons components and weapons technology*
6 *and expertise, and for defense and military contacts,*
7 *\$424,093,000, to remain available until September 30,*
8 *2012: Provided, That of the amounts provided under this*
9 *heading, not less than \$15,000,000 shall be available only*
10 *to support the dismantling and disposal of nuclear sub-*
11 *marines, submarine reactor components, and security en-*
12 *hancements for transport and storage of nuclear warheads*
13 *in the Russian Far East and North.*

14 *DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE*

15 *DEVELOPMENT FUND*

16 *For the Department of Defense Acquisition Workforce*
17 *Development Fund, \$100,000,000.*

18 *TITLE III*

19 *PROCUREMENT*

20 *AIRCRAFT PROCUREMENT, ARMY*

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

1 *land necessary therefor, for the foregoing purposes, and such*
2 *lands and interests therein, may be acquired, and construc-*
3 *tion prosecuted thereon prior to approval of title; and pro-*
4 *curement and installation of equipment, appliances, and*
5 *machine tools in public and private plants; reserve plant*
6 *and Government and contractor-owned equipment layaway;*
7 *and other expenses necessary for the foregoing purposes,*
8 *\$5,093,822,000, to remain available for obligation until*
9 *September 30, 2012.*

10 *MISSILE PROCUREMENT, ARMY*

11 *For construction, procurement, production, modifica-*
12 *tion, and modernization of missiles, equipment, including*
13 *ordnance, ground handling equipment, spare parts, and ac-*
14 *cessories therefor; specialized equipment and training de-*
15 *vices; expansion of public and private plants, including the*
16 *land necessary therefor, for the foregoing purposes, and such*
17 *lands and interests therein, may be acquired, and construc-*
18 *tion prosecuted thereon prior to approval of title; and pro-*
19 *curement and installation of equipment, appliances, and*
20 *machine tools in public and private plants; reserve plant*
21 *and Government and contractor-owned equipment layaway;*
22 *and other expenses necessary for the foregoing purposes,*
23 *\$1,251,053,000, to remain available for obligation until*
24 *September 30, 2012.*

1 *curement and installation of equipment, appliances, and*
2 *machine tools in public and private plants; reserve plant*
3 *and Government and contractor-owned equipment layaway;*
4 *and other expenses necessary for the foregoing purposes,*
5 *\$2,056,115,000, to remain available for obligation until*
6 *September 30, 2012.*

7 *OTHER PROCUREMENT, ARMY*

8 *For construction, procurement, production, and modi-*
9 *fication of vehicles, including tactical, support, and non-*
10 *tracked combat vehicles; the purchase of passenger motor ve-*
11 *hicles for replacement only; and the purchase of eight vehi-*
12 *cles required for physical security of personnel, notwith-*
13 *standing price limitations applicable to passenger vehicles*
14 *but not to exceed \$250,000 per vehicle; communications and*
15 *electronic equipment; other support equipment; spare parts,*
16 *ordnance, and accessories therefor; specialized equipment*
17 *and training devices; expansion of public and private*
18 *plants, including the land necessary therefor, for the fore-*
19 *going purposes, and such lands and interests therein, may*
20 *be acquired, and construction prosecuted thereon prior to*
21 *approval of title; and procurement and installation of*
22 *equipment, appliances, and machine tools in public and*
23 *private plants; reserve plant and Government and con-*
24 *tractor-owned equipment layaway; and other expenses nec-*

1 *essary for the foregoing purposes, \$8,582,660,000, to remain*
2 *available for obligation until September 30, 2012.*

3 *AIRCRAFT PROCUREMENT, NAVY*

4 *For construction, procurement, production, modifica-*
5 *tion, and modernization of aircraft, equipment, including*
6 *ordnance, spare parts, and accessories therefor; specialized*
7 *equipment; expansion of public and private plants, includ-*
8 *ing the land necessary therefor, and such lands and inter-*
9 *ests therein, may be acquired, and construction prosecuted*
10 *thereon prior to approval of title; and procurement and in-*
11 *stallation of equipment, appliances, and machine tools in*
12 *public and private plants; reserve plant and Government*
13 *and contractor-owned equipment layaway,*
14 *\$18,643,221,000, to remain available for obligation until*
15 *September 30, 2012.*

16 *WEAPONS PROCUREMENT, NAVY*

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

1 *and Government and contractor-owned equipment layaway,*
2 *\$3,357,572,000, to remain available for obligation until*
3 *September 30, 2012.*

4 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*
5 *CORPS*

6 *For construction, procurement, production, and modi-*
7 *fication of ammunition, and accessories therefor; specialized*
8 *equipment and training devices; expansion of public and*
9 *private plants, including ammunition facilities, authorized*
10 *by section 2854 of title 10, United States Code, and the*
11 *land necessary therefor, for the foregoing purposes, and such*
12 *lands and interests therein, may be acquired, and construc-*
13 *tion prosecuted thereon prior to approval of title; and pro-*
14 *curement and installation of equipment, appliances, and*
15 *machine tools in public and private plants; reserve plant*
16 *and Government and contractor-owned equipment layaway;*
17 *and other expenses necessary for the foregoing purposes,*
18 *\$800,651,000, to remain available for obligation until Sep-*
19 *tember 30, 2012.*

20 *SHIPBUILDING AND CONVERSION, NAVY*

21 *For expenses necessary for the construction, acquisi-*
22 *tion, or conversion of vessels as authorized by law, includ-*
23 *ing armor and armament thereof, plant equipment, appli-*
24 *ances, and machine tools and installation thereof in public*
25 *and private plants; reserve plant and Government and con-*

1 *tractor-owned equipment layaway; procurement of critical,*
2 *long lead time components and designs for vessels to be con-*
3 *structed or converted in the future; and expansion of public*
4 *and private plants, including land necessary therefor, and*
5 *such lands and interests therein, may be acquired, and con-*
6 *struction prosecuted thereon prior to approval of title, as*
7 *follows:*

8 *Carrier Replacement Program, \$739,269,000;*

9 *Carrier Replacement Program (AP),*
10 *\$484,432,000;*

11 *NSSN, \$1,964,317,000;*

12 *NSSN (AP), \$1,959,725,000;*

13 *CVN Refueling, \$1,563,602,000;*

14 *CVN Refuelings (AP), \$211,820,000;*

15 *DDG-1000 Program, \$1,382,797,000;*

16 *DDG-51 Destroyer, \$1,912,267,000;*

17 *DDG-51 Destroyer (AP), \$578,996,000;*

18 *Littoral Combat Ship, \$1,080,000,000;*

19 *LPD-17, \$872,392,000;*

20 *LPD-17 (AP), \$184,555,000;*

21 *LHA-R (AP), \$170,000,000;*

22 *Intratheater Connector, \$177,956,000;*

23 *LCAC Service Life Extension Program,*
24 *\$63,857,000;*

25 *Prior year shipbuilding costs, \$144,950,000;*

1 *Service Craft, \$3,694,000; and*

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

4 *In all: \$13,881,532,000, to remain available for obliga-*
5 *tion until September 30, 2014: Provided, That additional*
6 *obligations may be incurred after September 30, 2014, for*
7 *engineering services, tests, evaluations, and other such budg-*
8 *eted work that must be performed in the final stage of ship*
9 *construction: Provided further, That none of the funds pro-*
10 *vided under this heading for the construction or conversion*
11 *of any naval vessel to be constructed in shipyards in the*
12 *United States shall be expended in foreign facilities for the*
13 *construction of major components of such vessel: Provided*
14 *further, That none of the funds provided under this heading*
15 *shall be used for the construction of any naval vessel in*
16 *foreign shipyards.*

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 of*
24 *personnel, notwithstanding price limitations applicable to*
25 *passenger vehicles but not to exceed \$250,000 per vehicle;*

1 *expansion of public and private plants, including the land*
2 *necessary therefor, and such lands and interests therein,*
3 *may be acquired, and construction prosecuted thereon prior*
4 *to approval of title; and procurement and installation of*
5 *equipment, appliances, and machine tools in public and*
6 *private plants; reserve plant and Government and con-*
7 *tractor-owned equipment layaway, \$5,441,234,000, to re-*
8 *main available for obligation until September 30, 2012.*

9 *PROCUREMENT, MARINE CORPS*

10 *For expenses necessary for the procurement, manufac-*
11 *ture, and modification of missiles, armament, military*
12 *equipment, spare parts, and accessories therefor; plant*
13 *equipment, appliances, and machine tools, and installation*
14 *thereof in public and private plants; reserve plant and Gov-*
15 *ernment and contractor-owned equipment layaway; vehicles*
16 *for the Marine Corps, including the purchase of passenger*
17 *motor vehicles for replacement only; and expansion of pub-*
18 *lic and private plants, including land necessary therefor,*
19 *and such lands and interests therein, may be acquired, and*
20 *construction prosecuted thereon prior to approval of title,*
21 *\$1,521,505,000, to remain available for obligation until*
22 *September 30, 2012.*

23 *AIRCRAFT PROCUREMENT, AIR FORCE*

24 *For construction, procurement, and modification of*
25 *aircraft and equipment, including armor and armament,*

1 *specialized ground handling equipment, and training de-*
2 *vices, spare parts, and accessories therefor; specialized*
3 *equipment; expansion of public and private plants, Govern-*
4 *ment-owned equipment and installation thereof in such*
5 *plants, erection of structures, and acquisition of land, for*
6 *the foregoing purposes, and such lands and interests therein,*
7 *may be acquired, and construction prosecuted thereon prior*
8 *to approval of title; reserve plant and Government and con-*
9 *tractor-owned equipment layaway; and other expenses nec-*
10 *essary for the foregoing purposes including rents and trans-*
11 *portation of things, \$13,295,474,000, to remain available*
12 *for obligation until September 30, 2012; Provided, That*
13 *none of the funds provided in this Act for modification of*
14 *C-17 aircraft may be obligated until all C-17 contracts*
15 *funded with prior year "Aircraft Procurement, Air Force"*
16 *appropriated funds are definitized unless the Secretary of*
17 *the Air Force certifies in writing to the congressional de-*
18 *fense committees that each such obligation is necessary to*
19 *meet the needs of a warfighting requirement or prevents in-*
20 *creased costs to the taxpayer and provides the reasons for*
21 *failing to definitize the prior year contracts along with the*
22 *prospective contract definitization schedule.*

23 *MISSILE PROCUREMENT, AIR FORCE*

24 *For construction, procurement, and modification of*
25 *missiles, spacecraft, rockets, and related equipment, includ-*

1 *ing spare parts and accessories therefor, ground handling*
2 *equipment, and training devices; expansion of public and*
3 *private plants, Government-owned equipment and installa-*
4 *tion thereof in such plants, erection of structures, and ac-*
5 *quisition of land, for the foregoing purposes, and such lands*
6 *and interests therein, may be acquired, and construction*
7 *prosecuted thereon prior to approval of title; reserve plant*
8 *and Government and contractor-owned equipment layaway;*
9 *and other expenses necessary for the foregoing purposes in-*
10 *cluding rents and transportation of things, \$5,995,544,000,*
11 *to remain available for obligation until September 30,*
12 *2012.*

13 *PROCUREMENT OF AMMUNITION, AIR FORCE*

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

1 \$801,550,000, to remain available for obligation until Sep-
2 tember 30, 2012.

3 *OTHER PROCUREMENT, AIR FORCE*

4 *For procurement and modification of equipment (in-*
5 *cluding ground guidance and electronic control equipment,*
6 *and ground electronic and communication equipment), and*
7 *supplies, materials, and spare parts therefor, not otherwise*
8 *provided for; the purchase of passenger motor vehicles for*
9 *replacement only, and the purchase of two vehicles required*
10 *for physical security of personnel, notwithstanding price*
11 *limitations applicable to passenger vehicles but not to ex-*
12 *ceed \$250,000 per vehicle; lease of passenger motor vehicles;*
13 *and expansion of public and private plants, Government-*
14 *owned equipment and installation thereof in such plants,*
15 *erection of structures, and acquisition of land, for the fore-*
16 *going purposes, and such lands and interests therein, may*
17 *be acquired, and construction prosecuted thereon, prior to*
18 *approval of title; reserve plant and Government and con-*
19 *tractor-owned equipment layaway, \$17,138,239,000, to re-*
20 *main available for obligation until September 30, 2012.*

21 *PROCUREMENT, DEFENSE-WIDE*

22 *For expenses of activities and agencies of the Depart-*
23 *ment of Defense (other than the military departments) nec-*
24 *essary for procurement, production, and modification of*
25 *equipment, supplies, materials, and spare parts therefor,*

1 *not otherwise provided for; the purchase of passenger motor*
2 *vehicles for replacement only; expansion of public and pri-*
3 *vate plants, equipment, and installation thereof in such*
4 *plants, erection of structures, and acquisition of land for*
5 *the foregoing purposes, and such lands and interests therein,*
6 *may be acquired, and construction prosecuted thereon prior*
7 *to approval of title; reserve plant and Government and con-*
8 *tractor-owned equipment layaway, \$4,050,537,000, to re-*
9 *main available for obligation until September 30, 2012.*

10 *DEFENSE PRODUCTION ACT PURCHASES*

11 *For activities by the Department of Defense pursuant*
12 *to sections 108, 301, 302, and 303 of the Defense Production*
13 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*
14 *\$150,746,000, to remain available until expended.*

15 *TITLE IV*

16 *RESEARCH, DEVELOPMENT, TEST AND*
17 *EVALUATION*

18 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*
19 *For expenses necessary for basic and applied scientific*
20 *research, development, test and evaluation, including main-*
21 *tenance, rehabilitation, lease, and operation of facilities*
22 *and equipment, \$11,474,180,000, to remain available for*
23 *obligation until September 30, 2011.*

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

2 *For expenses necessary for basic and applied scientific*
3 *research, development, test and evaluation, including main-*
4 *tenance, rehabilitation, lease, and operation of facilities*
5 *and equipment, \$20,003,463,000, to remain available for*
6 *obligation until September 30, 2011: Provided, That funds*
7 *appropriated in this paragraph which are available for the*
8 *V-22 may be used to meet unique operational requirements*
9 *of the Special Operations Forces: Provided further, That*
10 *funds appropriated in this paragraph shall be available for*
11 *the Cobra Judy program.*

12 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*

13 *FORCE*

14 *For expenses necessary for basic and applied scientific*
15 *research, development, test and evaluation, including main-*
16 *tenance, rehabilitation, lease, and operation of facilities*
17 *and equipment, \$28,121,985,000, to remain available for*
18 *obligation until September 30, 2011.*

19 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*

20 *DEFENSE-WIDE*

21 *For expenses of activities and agencies of the Depart-*
22 *ment of Defense (other than the military departments), nec-*
23 *essary for basic and applied scientific research, develop-*
24 *ment, test and evaluation; advanced research projects as*
25 *may be designated and determined by the Secretary of De-*

1 *fense, pursuant to law; maintenance, rehabilitation, lease,*
2 *and operation of facilities and equipment, \$20,747,081,000,*
3 *to remain available for obligation until September 30,*
4 *2011, of which \$2,500,000 shall be available only for the*
5 *Missile Defense Agency to construct a replacement Patriot*
6 *launcher pad for the Japanese Ministry of Defense.*

7 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

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

17 *TITLE V*

18 *REVOLVING AND MANAGEMENT FUNDS*

19 *DEFENSE WORKING CAPITAL FUNDS*

20 *For the Defense Working Capital Funds,*
21 *\$1,455,004,000.*

22 *NATIONAL DEFENSE SEALIFT FUND*

23 *For National Defense Sealift Fund programs, projects,*
24 *and activities, and for expenses of the National Defense Re-*
25 *serve Fleet, as established by section 11 of the Merchant*

1 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
2 *necessary expenses to maintain and preserve a U.S.-flag*
3 *merchant fleet to serve the national security needs of the*
4 *United States, \$1,672,758,000, to remain available until ex-*
5 *pended: Provided, That none of the funds provided in this*
6 *paragraph shall be used to award a new contract that pro-*
7 *vides for the acquisition of any of the following major com-*
8 *ponents unless such components are manufactured in the*
9 *United States: auxiliary equipment, including pumps, for*
10 *all shipboard services; propulsion system components (en-*
11 *gines, reduction gears, and propellers); shipboard cranes;*
12 *and spreaders for shipboard cranes: Provided further, That*
13 *the exercise of an option in a contract awarded through the*
14 *obligation of previously appropriated funds shall not be*
15 *considered to be the award of a new contract: Provided fur-*
16 *ther, That the Secretary of the military department respon-*
17 *sible for such procurement may waive the restrictions in*
18 *the first proviso on a case-by-case basis by certifying in*
19 *writing to the Committees on Appropriations of the House*
20 *of Representatives and the Senate that adequate domestic*
21 *supplies are not available to meet Department of Defense*
22 *requirements on a timely basis and that such an acquisition*
23 *must be made in order to acquire capability for national*
24 *security purposes.*

1 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*
2 *DEFENSE*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For drug interdiction and counter-drug activities of*
5 *the Department of Defense, for transfer to appropriations*
6 *available to the Department of Defense for military per-*
7 *sonnel of the reserve components serving under the provi-*
8 *sions of title 10 and title 32, United States Code; for oper-*
9 *ation and maintenance; for procurement; and for research,*
10 *development, test and evaluation, \$1,158,226,000: Provided,*
11 *That the funds appropriated under this heading shall be*
12 *available for obligation for the same time period and for*
13 *the same purpose as the appropriation to which transferred:*
14 *Provided further, That upon a determination that all or*
15 *part of the funds transferred from this appropriation are*
16 *not necessary for the purposes provided herein, such*
17 *amounts may be transferred back to this appropriation:*
18 *Provided further, That the transfer authority provided*
19 *under this heading is in addition to any other transfer au-*
20 *thority contained elsewhere in this Act.*

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

23 *For the “Joint Improvised Explosive Device Defeat*
24 *Fund”, \$121,550,000 for Staff and Infrastructure: Pro-*
25 *vided, That such funds shall be available to the Secretary*

1 of Defense, notwithstanding any other provision of law, for
2 the purpose of allowing the Director of the Joint Improvised
3 Explosive Device Defeat Organization to investigate, de-
4 velop and provide equipment, supplies, services, training,
5 facilities, personnel and funds to assist United States forces
6 in the defeat of improvised explosive devices: Provided fur-
7 ther, That within 60 days of the enactment of this Act, a
8 plan for the intended management and use of the amounts
9 provided under this heading shall be submitted to the con-
10 gressional defense committees: Provided further, That the
11 Secretary of Defense shall submit a report not later than
12 60 days after the end of each fiscal quarter to the congres-
13 sional defense committees providing assessments of the
14 evolving threats, individual service requirements to counter
15 the threats, the current strategy for predeployment training
16 of members of the Armed Forces on improvised explosive
17 devices, and details on the execution of the Fund: Provided
18 further, That the Secretary of Defense may transfer funds
19 provided herein to appropriations for operation and main-
20 tenance; procurement; research, development, test and eval-
21 uation; and defense working capital funds to accomplish the
22 purpose provided herein: Provided further, That amounts
23 transferred shall be merged with and available for the same
24 purposes and time period as the appropriations to which
25 transferred: Provided further, That this transfer authority

1 *is in addition to any other transfer authority available to*
2 *the Department of Defense: Provided further, That the Sec-*
3 *retary of Defense shall, not fewer than 15 days prior to*
4 *making transfers from this appropriation, notify the con-*
5 *gressional defense committees in writing of the details of*
6 *any such transfer.*

7 *OFFICE OF THE INSPECTOR GENERAL*

8 *For expenses and activities of the Office of the Inspec-*
9 *tor General in carrying out the provisions of the Inspector*
10 *General Act of 1978, as amended, \$288,100,000, of which*
11 *\$287,100,000 shall be for operation and maintenance, of*
12 *which not to exceed \$700,000 is available for emergencies*
13 *and extraordinary expenses to be expended on the approval*
14 *or authority of the Inspector General, and payments may*
15 *be made on the Inspector General's certificate of necessity*
16 *for confidential military purposes; and of which \$1,000,000,*
17 *to remain available until September 30, 2012, shall be for*
18 *procurement.*

19 *TITLE VII*

20 *RELATED AGENCIES*

21 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

22 *DISABILITY SYSTEM FUND*

23 *For payment to the Central Intelligence Agency Retire-*
24 *ment and Disability System Fund, to maintain the proper*
25 *funding level for continuing the operation of the Central*

1 *Intelligence Agency Retirement and Disability System,*
2 *\$290,900,000.*

3 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

4 *For necessary expenses of the Intelligence Community*
5 *Management Account, \$707,912,000.*

6 *TITLE VIII*

7 *GENERAL PROVISIONS*

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

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

1 *missions whose pay is set by the Department of State under*
2 *the Foreign Service Act of 1980: Provided further, That the*
3 *limitations of this provision shall not apply to foreign na-*
4 *tional employees of the Department of Defense in the Re-*
5 *public of Turkey.*

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

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

16 *(TRANSFER OF FUNDS)*

17 *SEC. 8005. Upon determination by the Secretary of*
18 *Defense that such action is necessary in the national inter-*
19 *est, he may, with the approval of the Office of Management*
20 *and Budget, transfer not to exceed \$4,000,000,000 of work-*
21 *ing capital funds of the Department of Defense or funds*
22 *made available in this Act to the Department of Defense*
23 *for military functions (except military construction) be-*
24 *tween such appropriations or funds or any subdivision*
25 *thereof, to be merged with and to be available for the same*

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

1 *of Defense has notified the congressional defense committees*
2 *prior to any such obligation.*

3 *SEC. 8006. (a) With regard to the list of specific pro-*
4 *grams, projects, and activities (and the dollar amounts and*
5 *adjustments to budget activities corresponding to such pro-*
6 *grams, projects, and activities) contained in the tables titled*
7 *“Explanation of Project Level Adjustments” in the explana-*
8 *tory statement regarding this Act, the obligation and ex-*
9 *penditure of amounts appropriated or otherwise made*
10 *available in this Act for those programs, projects, and ac-*
11 *tivities for which the amounts appropriated exceed the*
12 *amounts requested are hereby required by law to be carried*
13 *out in the manner provided by such tables to the same ex-*
14 *tent as if the tables were included in the text of this Act.*

15 *(b) Amounts specified in the referenced tables described*
16 *in subsection (a) shall not be treated as subdivisions of ap-*
17 *propriations for purposes of section 8005 of this Act: Pro-*
18 *vided, That section 8005 shall apply when transfers of the*
19 *amounts described in subsection (a) occur between appro-*
20 *priation accounts.*

21 *SEC. 8007. (a) Not later than 60 days after enactment*
22 *of this Act, the Department of Defense shall submit a report*
23 *to the congressional defense committees to establish the base-*
24 *line for application of reprogramming and transfer au-*

1 *thorities for fiscal year 2010: Provided, That the report*
2 *shall include—*

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

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

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

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

20 *SEC. 8008. The Secretaries of the Air Force and the*
21 *Army are authorized, using funds available under the head-*
22 *ings “Operation and Maintenance, Air Force” and “Oper-*
23 *ation and Maintenance, Army”, to complete facility conver-*
24 *sions and phased repair projects which may include up-*

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

3 *(TRANSFER OF FUNDS)*

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

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

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

3 SEC. 8011. None of the funds provided in this Act shall
4 be available to initiate: (1) a multiyear contract that em-
5 ploys economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that includes
7 an unfunded contingent liability in excess of \$20,000,000;
8 or (2) a contract for advance procurement leading to a
9 multiyear contract that employs economic order quantity
10 procurement in excess of \$20,000,000 in any one year, un-
11 less the congressional defense committees have been notified
12 at least 30 days in advance of the proposed contract award:
13 Provided, That no part of any appropriation contained in
14 this Act shall be available to initiate a multiyear contract
15 for which the economic order quantity advance procurement
16 is not funded at least to the limits of the Government's li-
17 ability: Provided further, That no part of any appropria-
18 tion contained in this Act shall be available to initiate
19 multiyear procurement contracts for any systems or compo-
20 nent thereof if the value of the multiyear contract would
21 exceed \$500,000,000 unless specifically provided in this Act:
22 Provided further, That no multiyear procurement contract
23 can be terminated without 10-day prior notification to the
24 congressional defense committees: Provided further, That the
25 execution of multiyear authority shall require the use of a

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

6 (1) *the Secretary of Defense has submitted to*
7 *Congress a report within 30 days of enactment of this*
8 *Act that certifies full funding of units to be procured*
9 *through the contract and, in the case of a contract for*
10 *procurement of aircraft, that includes, for any air-*
11 *craft unit to be procured through the contract for*
12 *which procurement funds are identified in that report*
13 *for production beyond advance procurement activities*
14 *in the fiscal year 2010 budget, full funding of pro-*
15 *curement of such unit in that fiscal year;*

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

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

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

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

3 *F-18 aircraft variants.*

4 *SEC. 8012. Within the funds appropriated for the oper-*
5 *ation and maintenance of the Armed Forces, funds are here-*
6 *by appropriated pursuant to section 401 of title 10, United*
7 *States Code, for humanitarian and civic assistance costs*
8 *under chapter 20 of title 10, United States Code. Such funds*
9 *may also be obligated for humanitarian and civic assist-*
10 *ance costs incidental to authorized operations and pursuant*
11 *to authority granted in section 401 of chapter 20 of title*
12 *10, United States Code, and these obligations shall be re-*
13 *ported as required by section 401(d) of title 10, United*
14 *States Code: Provided, That funds available for operation*
15 *and maintenance shall be available for providing humani-*
16 *tarian and similar assistance by using Civic Action Teams*
17 *in the Trust Territories of the Pacific Islands and freely*
18 *associated states of Micronesia, pursuant to the Compact*
19 *of Free Association as authorized by Public Law 99-239:*
20 *Provided further, That upon a determination by the Sec-*
21 *retary of the Army that such action is beneficial for grad-*
22 *uate medical education programs conducted at Army med-*
23 *ical facilities located in Hawaii, the Secretary of the Army*
24 *may authorize the provision of medical services at such fa-*
25 *cilities and transportation to such facilities, on a nonreim-*

1 *bursable basis, for civilian patients from American Samoa,*
2 *the Commonwealth of the Northern Mariana Islands, the*
3 *Marshall Islands, the Federated States of Micronesia,*
4 *Palau, and Guam.*

5 *SEC. 8013. (a) During fiscal year 2010, the civilian*
6 *personnel of the Department of Defense may not be man-*
7 *aged on the basis of any end-strength, and the management*
8 *of such personnel during that fiscal year shall not be subject*
9 *to any constraint or limitation (known as an end-strength)*
10 *on the number of such personnel who may be employed on*
11 *the last day of such fiscal year.*

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

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

20 *SEC. 8014. None of the funds made available by this*
21 *Act shall be used in any way, directly or indirectly, to in-*
22 *fluence congressional action on any legislation or appro-*
23 *priation matters pending before the Congress.*

24 *SEC. 8015. None of the funds appropriated by this Act*
25 *shall be available for the basic pay and allowances of any*

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

10 *SEC. 8016. (a) None of the funds appropriated by this*
11 *Act shall be available to convert to contractor performance*
12 *an activity or function of the Department of Defense that,*
13 *on or after the date of the enactment of this Act, is per-*
14 *formed by more than 10 Department of Defense civilian em-*
15 *ployees unless—*

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

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

1 *Department of Defense by an amount that equals or*
2 *exceeds the lesser of—*

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

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

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

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

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

22 *(b)(1) The Department of Defense, without regard to*
23 *subsection (a) of this section or subsection (a), (b), or (c)*
24 *of section 2461 of title 10, United States Code, and notwith-*
25 *standing any administrative regulation, requirement, or*

1 *policy to the contrary shall have full authority to enter into*
2 *a contract for the performance of any commercial or indus-*
3 *trial type function of the Department of Defense that—*

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

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

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

18 *(2) This section shall not apply to depot contracts or*
19 *contracts for depot maintenance as provided in sections*
20 *2469 and 2474 of title 10, United States Code.*

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

1 *be awarded under the authority of, and in compliance with,*
2 *subsection (h) of section 2304 of title 10, United States*
3 *Code, for the competition or outsourcing of commercial ac-*
4 *tivities.*

5 (TRANSFER OF FUNDS)

6 *SEC. 8017. Funds appropriated in title III of this Act*
7 *for the Department of Defense Pilot Mentor-Protege Pro-*
8 *gram may be transferred to any other appropriation con-*
9 *tained in this Act solely for the purpose of implementing*
10 *a Mentor-Protege Program developmental assistance agree-*
11 *ment pursuant to section 831 of the National Defense Au-*
12 *thorization Act for Fiscal Year 1991 (Public Law 101-510;*
13 *10 U.S.C. 2302 note), as amended, under the authority of*
14 *this provision or any other transfer authority contained in*
15 *this Act.*

16 *SEC. 8018. None of the funds in this Act may be avail-*
17 *able for the purchase by the Department of Defense (and*
18 *its departments and agencies) of welded shipboard anchor*
19 *and mooring chain 4 inches in diameter and under unless*
20 *the anchor and mooring chain are manufactured in the*
21 *United States from components which are substantially*
22 *manufactured in the United States: Provided, That for the*
23 *purpose of this section, the term “manufactured” shall in-*
24 *clude cutting, heat treating, quality control, testing of chain*
25 *and welding (including the forging and shot blasting proc-*

1 *ess): Provided further, That for the purpose of this section*
2 *substantially all of the components of anchor and mooring*
3 *chain shall be considered to be produced or manufactured*
4 *in the United States if the aggregate cost of the components*
5 *produced or manufactured in the United States exceeds the*
6 *aggregate cost of the components produced or manufactured*
7 *outside the United States: Provided further, That when ade-*
8 *quate domestic supplies are not available to meet Depart-*
9 *ment of Defense requirements on a timely basis, the Sec-*
10 *retary of the service responsible for the procurement may*
11 *waive this restriction on a case-by-case basis by certifying*
12 *in writing to the Committees on Appropriations that such*
13 *an acquisition must be made in order to acquire capability*
14 *for national security purposes.*

15 *SEC. 8019. None of the funds available to the Depart-*
16 *ment of Defense may be used to demilitarize or dispose of*
17 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
18 *rifles, .30 caliber rifles, or M-1911 pistols, or to demili-*
19 *tarize or destroy small arms ammunition or ammunition*
20 *components that are not otherwise prohibited from commer-*
21 *cial sale under Federal law, unless the small arms ammuni-*
22 *tion or ammunition components are certified by the Sec-*
23 *retary of the Army or designee as unserviceable or unsafe*
24 *for further use.*

1 *SEC. 8020. No more than \$500,000 of the funds appro-*
2 *priated or made available in this Act shall be used during*
3 *a single fiscal year for any single relocation of an organiza-*
4 *tion, unit, activity or function of the Department of Defense*
5 *into or within the National Capital Region: Provided, That*
6 *the Secretary of Defense may waive this restriction on a*
7 *case-by-case basis by certifying in writing to the congres-*
8 *sional defense committees that such a relocation is required*
9 *in the best interest of the Government.*

10 *SEC. 8021. In addition to the funds provided elsewhere*
11 *in this Act, \$15,000,000 is appropriated only for incentive*
12 *payments authorized by section 504 of the Indian Financ-*
13 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*
14 *contractor or a subcontractor at any tier that makes a sub-*
15 *contract award to any subcontractor or supplier as defined*
16 *in section 1544 of title 25, United States Code, or a small*
17 *business owned and controlled by an individual or individ-*
18 *uals defined under section 4221(9) of title 25, United States*
19 *Code, shall be considered a contractor for the purposes of*
20 *being allowed additional compensation under section 504*
21 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*
22 *whenever the prime contract or subcontract amount is over*
23 *\$500,000 and involves the expenditure of funds appro-*
24 *priated by an Act making Appropriations for the Depart-*
25 *ment of Defense with respect to any fiscal year: Provided*

1 *further, That notwithstanding section 430 of title 41,*
2 *United States Code, this section shall be applicable to any*
3 *Department of Defense acquisition of supplies or services,*
4 *including any contract and any subcontract at any tier for*
5 *acquisition of commercial items produced or manufactured,*
6 *in whole or in part by any subcontractor or supplier de-*
7 *finied in section 1544 of title 25, United States Code, or*
8 *a small business owned and controlled by an individual or*
9 *individuals defined under section 4221(9) of title 25,*
10 *United States Code.*

11 *SEC. 8022. Funds appropriated by this Act for the De-*
12 *fense Media Activity shall not be used for any national or*
13 *international political or psychological activities.*

14 *SEC. 8023. None of the funds appropriated by this Act*
15 *shall be available to perform any cost study pursuant to*
16 *the provisions of OMB Circular A-76 if the study being*
17 *performed exceeds the period permitted by section 322 of*
18 *the National Defense Authorization Act for Fiscal Year*
19 *2010 (Public Law 111-84).*

20 *SEC. 8024. During the current fiscal year, the Depart-*
21 *ment of Defense is authorized to incur obligations of not*
22 *to exceed \$350,000,000 for purposes specified in section*
23 *2350j(c) of title 10, United States Code, in anticipation of*
24 *receipt of contributions, only from the Government of Ku-*
25 *wait, under that section: Provided, That upon receipt, such*

1 *contributions from the Government of Kuwait shall be cred-*
2 *ited to the appropriations or fund which incurred such obli-*
3 *gations.*

4 *SEC. 8025. (a) Of the funds made available in this*
5 *Act, not less than \$33,756,000 shall be available for the*
6 *Civil Air Patrol Corporation, of which—*

7 *(1) \$26,433,000 shall be available from “Oper-*
8 *ation and Maintenance, Air Force” to support Civil*
9 *Air Patrol Corporation operation and maintenance,*
10 *readiness, counterdrug activities, and drug demand*
11 *reduction activities involving youth programs;*

12 *(2) \$6,426,000 shall be available from “Aircraft*
13 *Procurement, Air Force”; and*

14 *(3) \$897,000 shall be available from “Other Pro-*
15 *curement, Air Force” for vehicle procurement.*

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

20 *SEC. 8026. (a) None of the funds appropriated in this*
21 *Act are available to establish a new Department of Defense*
22 *(department) federally funded research and development*
23 *center (FFRDC), either as a new entity, or as a separate*
24 *entity administrated by an organization managing another*
25 *FFRDC, or as a nonprofit membership corporation con-*

1 *sisting of a consortium of other FFRDCs and other non-*
2 *profit entities.*

3 **(b)** *No member of a Board of Directors, Trustees, Over-*
4 *seers, Advisory Group, Special Issues Panel, Visiting Com-*
5 *mittee, or any similar entity of a defense FFRDC, and no*
6 *paid consultant to any defense FFRDC, except when acting*
7 *in a technical advisory capacity, may be compensated for*
8 *his or her services as a member of such entity, or as a paid*
9 *consultant by more than one FFRDC in a fiscal year: Pro-*
10 *vided, That a member of any such entity referred to pre-*
11 *viously in this subsection shall be allowed travel expenses*
12 *and per diem as authorized under the Federal Joint Travel*
13 *Regulations, when engaged in the performance of member-*
14 *ship 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 2010 may be used by a defense FFRDC,*
18 *through a fee or other payment mechanism, for construction*
19 *of new buildings, for payment of cost sharing for projects*
20 *funded by Government grants, for absorption of contract*
21 *overruns, or for certain charitable contributions, not to in-*
22 *clude employee participation in community service and/or*
23 *development.*

24 **(d)** *Notwithstanding any other provision of law, of the*
25 *funds available to the department during fiscal year 2010,*

1 *not more than 5,600 staff years of technical effort (staff*
2 *years) may be funded for defense FFRDCs: Provided, That*
3 *of the specific amount referred to previously in this sub-*
4 *section, not more than 1,100 staff years may be funded for*
5 *the defense studies and analysis FFRDCs: Provided further,*
6 *That this subsection shall not apply to staff years funded*
7 *in the National Intelligence Program (NIP) and the Mili-*
8 *tary Intelligence Program (MIP).*

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

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

17 *SEC. 8027. None of the funds appropriated or made*
18 *available in this Act shall be used to procure carbon, alloy*
19 *or armor steel plate for use in any Government-owned facil-*
20 *ity or property under the control of the Department of De-*
21 *fense which were not melted and rolled in the United States*
22 *or Canada: Provided, That these procurement restrictions*
23 *shall apply to any and all Federal Supply Class 9515,*
24 *American Society of Testing and Materials (ASTM) or*
25 *American Iron and Steel Institute (AISI) specifications of*

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

12 SEC. 8028. For the purposes of this Act, the term “con-
13 gressional defense committees” means the Armed Services
14 Committee of the House of Representatives, the Armed Serv-
15 ices Committee of the Senate, the Subcommittee on Defense
16 of the Committee on Appropriations of the Senate, and the
17 Subcommittee on Defense of the Committee on Appropria-
18 tions of the House of Representatives.

19 SEC. 8029. During the current fiscal year, the Depart-
20 ment of Defense may acquire the modification, depot main-
21 tenance and repair of aircraft, vehicles and vessels as well
22 as the production of components and other Defense-related
23 articles, through competition between Department of De-
24 fense depot maintenance activities and private firms: Pro-
25 vided, That the Senior Acquisition Executive of the military

1 *department or Defense Agency concerned, with power of del-*
2 *egation, shall certify that successful bids include comparable*
3 *estimates of all direct and indirect costs for both public and*
4 *private bids: Provided further, That Office of Management*
5 *and Budget Circular A-76 shall not apply to competitions*
6 *conducted under this section.*

7 *SEC. 8030. (a)(1) If the Secretary of Defense, after con-*
8 *sultation with the United States Trade Representative, de-*
9 *termines that a foreign country which is party to an agree-*
10 *ment described in paragraph (2) has violated the terms of*
11 *the agreement by discriminating against certain types of*
12 *products produced in the United States that are covered by*
13 *the agreement, the Secretary of Defense shall rescind the*
14 *Secretary's blanket waiver of the Buy American Act with*
15 *respect to such types of products produced in that foreign*
16 *country.*

17 *(2) An agreement referred to in paragraph (1) is any*
18 *reciprocal defense procurement memorandum of under-*
19 *standing, between the United States and a foreign country*
20 *pursuant to which the Secretary of Defense has prospec-*
21 *tively waived the Buy American Act for certain products*
22 *in that country.*

23 *(b) The Secretary of Defense shall submit to the Con-*
24 *gress a report on the amount of Department of Defense pur-*
25 *chases from foreign entities in fiscal year 2010. Such report*

1 *shall separately indicate the dollar value of items for which*
2 *the Buy American Act was waived pursuant to any agree-*
3 *ment described in subsection (a)(2), the Trade Agreement*
4 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
5 *agreement to which the United States is a party.*

6 *(c) For purposes of this section, the term “Buy Amer-*
7 *ican Act” means title III of the Act entitled “An Act mak-*
8 *ing appropriations for the Treasury and Post Office De-*
9 *partments for the fiscal year ending June 30, 1934, and*
10 *for other purposes”, approved March 3, 1933 (41 U.S.C.*
11 *10a et seq.).*

12 *SEC. 8031. During the current fiscal year, amounts*
13 *contained in the Department of Defense Overseas Military*
14 *Facility Investment Recovery Account established by section*
15 *2921(c)(1) of the National Defense Authorization Act of*
16 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*
17 *available until expended for the payments specified by sec-*
18 *tion 2921(c)(2) of that Act.*

19 *SEC. 8032. (a) Notwithstanding any other provision*
20 *of law, the Secretary of the Air Force may convey at no*
21 *cost to the Air Force, without consideration, to Indian*
22 *tribes located in the States of Nevada, Idaho, North Dakota,*
23 *South Dakota, Montana, Oregon, and Minnesota relocatable*
24 *military housing units located at Grand Forks Air Force*
25 *Base, Malmstrom Air Force Base, Mountain Home Air*

1 *Force Base, Ellsworth Air Force Base, and Minot Air Force*
2 *Base that are excess to the needs of the Air Force.*

3 (b) *The Secretary of the Air Force shall convey, at no*
4 *cost to the Air Force, military housing units under sub-*
5 *section (a) in accordance with the request for such units*
6 *that are submitted to the Secretary by the Operation Walk-*
7 *ing Shield Program on behalf of Indian tribes located in*
8 *the States of Nevada, Idaho, North Dakota, South Dakota,*
9 *Montana, Oregon, and Minnesota.*

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

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

19 *SEC. 8033. During the current fiscal year, appropria-*
20 *tions which are available to the Department of Defense for*
21 *operation and maintenance may be used to purchase items*
22 *having an investment item unit cost of not more than*
23 *\$250,000.*

24 *SEC. 8034. (a) During the current fiscal year, none*
25 *of the appropriations or funds available to the Department*

1 *of Defense Working Capital Funds shall be used for the pur-*
2 *chase of an investment item for the purpose of acquiring*
3 *a new inventory item for sale or anticipated sale during*
4 *the current fiscal year or a subsequent fiscal year to cus-*
5 *tomers of the Department of Defense Working Capital*
6 *Funds if such an item would not have been chargeable to*
7 *the Department of Defense Business Operations Fund dur-*
8 *ing fiscal year 1994 and if the purchase of such an invest-*
9 *ment item would be chargeable during the current fiscal*
10 *year to appropriations made to the Department of Defense*
11 *for procurement.*

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

23 *SEC. 8035. None of the funds appropriated by this Act*
24 *for programs of the Central Intelligence Agency shall re-*
25 *main available for obligation beyond the current fiscal year,*

1 *except for funds appropriated for the Reserve for Contin-*
2 *gencies, which shall remain available until September 30,*
3 *2011: Provided, That funds appropriated, transferred, or*
4 *otherwise credited to the Central Intelligence Agency Cen-*
5 *tral Services Working Capital Fund during this or any*
6 *prior or subsequent fiscal year shall remain available until*
7 *expended: Provided further, That any funds appropriated*
8 *or transferred to the Central Intelligence Agency for ad-*
9 *vanced research and development acquisition, for agent op-*
10 *erations, and for covert action programs authorized by the*
11 *President under section 503 of the National Security Act*
12 *of 1947, as amended, shall remain available until Sep-*
13 *tember 30, 2011.*

14 *SEC. 8036. Notwithstanding any other provision of*
15 *law, funds made available in this Act for the Defense Intel-*
16 *ligence Agency may be used for the design, development, and*
17 *deployment of General Defense Intelligence Program intel-*
18 *ligence communications and intelligence information sys-*
19 *tems for the Services, the Unified and Specified Commands,*
20 *and the component commands.*

21 *SEC. 8037. Of the funds appropriated to the Depart-*
22 *ment of Defense under the heading “Operation and Mainte-*
23 *nance, Defense-Wide”, not less than \$12,000,000 shall be*
24 *made available only for the mitigation of environmental*
25 *impacts, including training and technical assistance to*

1 *tribes, related administrative support, the gathering of in-*
2 *formation, documenting of environmental damage, and de-*
3 *veloping a system for prioritization of mitigation and cost*
4 *to complete estimates for mitigation, on Indian lands re-*
5 *sulting from Department of Defense activities.*

6 *SEC. 8038. (a) None of the funds appropriated in this*
7 *Act may be expended by an entity of the Department of*
8 *Defense unless the entity, in expending the funds, complies*
9 *with the Buy American Act. For purposes of this subsection,*
10 *the term “Buy American Act” means title III of the Act*
11 *entitled “An Act making appropriations for the Treasury*
12 *and Post Office Departments for the fiscal year ending June*
13 *30, 1934, and for other purposes”, approved March 3, 1933*
14 *(41 U.S.C. 10a et seq.).*

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

23 *(c) In the case of any equipment or products purchased*
24 *with appropriations provided under this Act, it is the sense*
25 *of the Congress that any entity of the Department of De-*

1 *fense, in expending the appropriation, purchase only Amer-*
2 *ican-made equipment and products, provided that Amer-*
3 *ican-made equipment and products are cost-competitive,*
4 *quality-competitive, and available in a timely fashion.*

5 *SEC. 8039. None of the funds appropriated by this Act*
6 *shall be available for a contract for studies, analysis, or*
7 *consulting services entered into without competition on the*
8 *basis of an unsolicited proposal unless the head of the activ-*
9 *ity responsible for the procurement determines—*

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

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

18 *(3) the purpose of the contract is to take advan-*
19 *tage of unique and significant industrial accomplish-*
20 *ment by a specific concern, or to insure that a new*
21 *product or idea of a specific concern is given finan-*
22 *cial support: Provided, That this limitation shall not*
23 *apply to contracts in an amount of less than \$25,000,*
24 *contracts related to improvements of equipment that*
25 *is in development or production, or contracts as to*

1 *which a civilian official of the Department of Defense,*
2 *who has been confirmed by the Senate, determines*
3 *that the award of such contract is in the interest of*
4 *the national defense.*

5 *SEC. 8040. (a) Except as provided in subsections (b)*
6 *and (c), none of the funds made available by this Act may*
7 *be used—*

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

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

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

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

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

24 *(2) an Army field operating agency established*
25 *to eliminate, mitigate, or counter the effects of impro-*

1 *“Other Procurement, Navy, 2009/2011”,*
2 \$84,844,000;

3 *“Aircraft Procurement, Air Force, 2009/2011”,*
4 \$628,900,000;

5 *“Missile Procurement, Air Force, 2009/2011”,*
6 \$60,000,000;

7 *“Other Procurement, Air Force, 2009/2011”,*
8 \$10,900,000;

9 *“Procurement, Defense-Wide, 2009/2011”,*
10 \$5,200,000; and

11 *“Procurement, Defense-Wide, 2008/2010”,*
12 \$2,000,000.

13 *SEC. 8043. None of the funds available in this Act may*
14 *be used to reduce the authorized positions for military (ci-*
15 *vilian) technicians of the Army National Guard, Air Na-*
16 *tional Guard, Army Reserve and Air Force Reserve for the*
17 *purpose of applying any administratively imposed civilian*
18 *personnel ceiling, freeze, or reduction on military (civilian)*
19 *technicians, unless such reductions are a direct result of a*
20 *reduction in military force structure.*

21 *SEC. 8044. None of the funds appropriated or other-*
22 *wise made available in this Act may be obligated or ex-*
23 *pended for assistance to the Democratic People’s Republic*
24 *of Korea unless specifically appropriated for that purpose.*

1 *SEC. 8045. Funds appropriated in this Act for oper-*
2 *ation and maintenance of the Military Departments, Com-*
3 *batant Commands and Defense Agencies shall be available*
4 *for reimbursement of pay, allowances and other expenses*
5 *which would otherwise be incurred against appropriations*
6 *for the National Guard and Reserve when members of the*
7 *National Guard and Reserve provide intelligence or coun-*
8 *terintelligence support to Combatant Commands, Defense*
9 *Agencies and Joint Intelligence Activities, including the ac-*
10 *tivities and programs included within the National Intel-*
11 *ligence Program and the Military Intelligence Program:*
12 *Provided, That nothing in this section authorizes deviation*
13 *from established Reserve and National Guard personnel and*
14 *training procedures.*

15 *SEC. 8046. During the current fiscal year, none of the*
16 *funds appropriated in this Act may be used to reduce the*
17 *civilian medical and medical support personnel assigned to*
18 *military treatment facilities below the September 30, 2003,*
19 *level: Provided, That the Service Surgeons General may*
20 *waive this section by certifying to the congressional defense*
21 *committees that the beneficiary population is declining in*
22 *some catchment areas and civilian strength reductions may*
23 *be consistent with responsible resource stewardship and*
24 *capitation-based budgeting.*

1 *SEC. 8047. (a) None of the funds available to the De-*
2 *partment of Defense for any fiscal year for drug interdic-*
3 *tion or counter-drug activities may be transferred to any*
4 *other department or agency of the United States except as*
5 *specifically provided in an appropriations law.*

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

11 *SEC. 8048. None of the funds appropriated by this Act*
12 *may be used for the procurement of ball and roller bearings*
13 *other than those produced by a domestic source and of do-*
14 *mestic origin: Provided, That the Secretary of the military*
15 *department responsible for such procurement may waive*
16 *this restriction on a case-by-case basis by certifying in writ-*
17 *ing to the Committees on Appropriations of the House of*
18 *Representatives and the Senate, that adequate domestic*
19 *supplies are not available to meet Department of Defense*
20 *requirements on a timely basis and that such an acquisition*
21 *must be made in order to acquire capability for national*
22 *security purposes: Provided further, That this restriction*
23 *shall not apply to the purchase of “commercial items”, as*
24 *defined by section 4(12) of the Office of Federal Procure-*

1 *ment Policy Act, except that the restriction shall apply to*
2 *ball or roller bearings purchased as end items.*

3 *SEC. 8049. None of the funds in this Act may be used*
4 *to purchase any supercomputer which is not manufactured*
5 *in the United States, unless the Secretary of Defense cer-*
6 *tifies to the congressional defense committees that such an*
7 *acquisition must be made in order to acquire capability for*
8 *national security purposes that is not available from*
9 *United States manufacturers.*

10 *SEC. 8050. None of the funds made available in this*
11 *or any other Act may be used to pay the salary of any*
12 *officer or employee of the Department of Defense who ap-*
13 *proves or implements the transfer of administrative respon-*
14 *sibilities or budgetary resources of any program, project,*
15 *or activity financed by this Act to the jurisdiction of an-*
16 *other Federal agency not financed by this Act without the*
17 *express authorization of Congress: Provided, That this limi-*
18 *tation shall not apply to transfers of funds expressly pro-*
19 *vided for in Defense Appropriations Acts, or provisions of*
20 *Acts providing supplemental appropriations for the De-*
21 *partment of Defense.*

22 *SEC. 8051. (a) Notwithstanding any other provision*
23 *of law, none of the funds available to the Department of*
24 *Defense for the current fiscal year may be obligated or ex-*
25 *pended to transfer to another nation or an international*

1 *organization any defense articles or services (other than in-*
2 *telligence services) for use in the activities described in sub-*
3 *section (b) unless the congressional defense committees, the*
4 *Committee on Foreign Affairs of the House of Representa-*
5 *tives, and the Committee on Foreign Relations of the Senate*
6 *are notified 15 days in advance of such transfer.*

7 *(b) This section applies to—*

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

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

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

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

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

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

23 *(A) a statement of whether the inventory re-*
24 *quirements of all elements of the Armed Forces*

25 *(including the reserve components) for the type*

1 *of equipment or supplies to be transferred have*
2 *been met; and*

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

7 *SEC. 8052. None of the funds available to the Depart-*
8 *ment of Defense under this Act shall be obligated or ex-*
9 *pendent to pay a contractor under a contract with the De-*
10 *partment of Defense for costs of any amount paid by the*
11 *contractor to an employee when—*

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

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

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *SEC. 8053. During the current fiscal year, no more*
19 *than \$30,000,000 of appropriations made in this Act under*
20 *the heading “Operation and Maintenance, Defense-Wide”*
21 *may be transferred to appropriations available for the pay*
22 *of military personnel, to be merged with, and to be available*
23 *for the same time period as the appropriations to which*
24 *transferred, to be used in support of such personnel in con-*
25 *nection with support and services for eligible organizations*

1 *and activities outside the Department of Defense pursuant*
2 *to section 2012 of title 10, United States Code.*

3 *SEC. 8054. During the current fiscal year, in the case*
4 *of an appropriation account of the Department of Defense*
5 *for which the period of availability for obligation has ex-*
6 *pired or which has closed under the provisions of section*
7 *1552 of title 31, United States Code, and which has a nega-*
8 *tive unliquidated or unexpended balance, an obligation or*
9 *an adjustment of an obligation may be charged to any cur-*
10 *rent appropriation account for the same purpose as the ex-*
11 *pired or closed account if—*

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

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

19 *(3) in the case of an expired account, the obliga-*
20 *tion is not chargeable to a current appropriation of*
21 *the Department of Defense under the provisions of sec-*
22 *tion 1405(b)(8) of the National Defense Authorization*
23 *Act for Fiscal Year 1991, Public Law 101–510, as*
24 *amended (31 U.S.C. 1551 note): Provided, That in*
25 *the case of an expired account, if subsequent review*

1 *or investigation discloses that there was not in fact a*
2 *negative unliquidated or unexpended balance in the*
3 *account, any charge to a current account under the*
4 *authority of this section shall be reversed and re-*
5 *corded against the expired account: Provided further,*
6 *That the total amount charged to a current appro-*
7 *priation under this section may not exceed an*
8 *amount equal to 1 percent of the total appropriation*
9 *for that account.*

10 *SEC. 8055. (a) IN GENERAL.—Service as a member*
11 *of the Alaska Territorial Guard during World War II of*
12 *any individual who was honorably discharged therefrom*
13 *under section 8147 of the Department of Defense Appro-*
14 *priations Act, 2001 (Public Law 106–259; 114 Stat. 705)*
15 *shall be treated as active service for purposes of the com-*
16 *putation under chapter 61, 71, 371, 571, 871, or 1223 of*
17 *title 10, United States Code, as applicable, of the retired*
18 *pay to which such individual may be entitled under title*
19 *10, United States Code.*

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

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

4 *SEC. 8056. (a) Notwithstanding any other provision*
5 *of law, the Chief of the National Guard Bureau may permit*
6 *the use of equipment of the National Guard Distance Learn-*
7 *ing Project by any person or entity on a space-available,*
8 *reimbursable basis. The Chief of the National Guard Bu-*
9 *reau shall establish the amount of reimbursement for such*
10 *use on a case-by-case basis.*

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

17 *SEC. 8057. Using funds available by this Act or any*
18 *other Act, the Secretary of the Air Force, pursuant to a*
19 *determination under section 2690 of title 10, United States*
20 *Code, may implement cost-effective agreements for required*
21 *heating facility modernization in the Kaiserslautern Mili-*
22 *tary Community in the Federal Republic of Germany: Pro-*
23 *vided, That in the City of Kaiserslautern such agreements*
24 *will include the use of United States anthracite as the base*
25 *load energy for municipal district heat to the United States*

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

6 *SEC. 8058. None of the funds appropriated in title IV*
7 *of this Act may be used to procure end-items for delivery*
8 *to military forces for operational training, operational use*
9 *or inventory requirements: Provided, That this restriction*
10 *does not apply to end-items used in development, proto-*
11 *typing, and test activities preceding and leading to accept-*
12 *ance for operational use: Provided further, That this restric-*
13 *tion does not apply to programs funded within the National*
14 *Intelligence Program: Provided further, That the Secretary*
15 *of Defense may waive this restriction on a case-by-case basis*
16 *by certifying in writing to the Committees on Appropria-*
17 *tions of the House of Representatives and the Senate that*
18 *it is in the national security interest to do so.*

19 *SEC. 8059. None of the funds made available in this*
20 *Act may be used to approve or license the sale of the F-*
21 *22A advanced tactical fighter to any foreign government:*
22 *Provided, That the Department of Defense may conduct or*
23 *participate in studies, research, design and other activities*
24 *to define and develop a future export version of the F-22A*

1 *that protects classified and sensitive information, tech-*
2 *nologies and U.S. warfighting capabilities.*

3 *SEC. 8060. (a) The Secretary of Defense may, on a*
4 *case-by-case basis, waive with respect to a foreign country*
5 *each limitation on the procurement of defense items from*
6 *foreign sources provided in law if the Secretary determines*
7 *that the application of the limitation with respect to that*
8 *country would invalidate cooperative programs entered into*
9 *between the Department of Defense and the foreign country,*
10 *or would invalidate reciprocal trade agreements for the pro-*
11 *curement of defense items entered into under section 2531*
12 *of title 10, United States Code, and the country does not*
13 *discriminate against the same or similar defense items pro-*
14 *duced in the United States for that country.*

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

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

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

23 *(c) Subsection (a) does not apply to a limitation re-*
24 *garding construction of public vessels, ball and roller bear-*
25 *ings, food, and clothing or textile materials as defined by*

1 *section 11 (chapters 50–65) of the Harmonized Tariff*
2 *Schedule and products classified under headings 4010,*
3 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*
4 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*
5 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

6 *SEC. 8061. (a) None of the funds made available by*
7 *this Act may be used to support any training program in-*
8 *volving a unit of the security forces of a foreign country*
9 *if the Secretary of Defense has received credible information*
10 *from the Department of State that the unit has committed*
11 *a gross violation of human rights, unless all necessary cor-*
12 *rective steps have been taken.*

13 *(b) The Secretary of Defense, in consultation with the*
14 *Secretary of State, shall ensure that prior to a decision to*
15 *conduct any training program referred to in subsection (a),*
16 *full consideration is given to all credible information avail-*
17 *able to the Department of State relating to human rights*
18 *violations by foreign security forces.*

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

23 *(d) Not more than 15 days after the exercise of any*
24 *waiver under subsection (c), the Secretary of Defense shall*
25 *submit a report to the congressional defense committees de-*

1 *scribing the extraordinary circumstances, the purpose and*
2 *duration of the training program, the United States forces*
3 *and the foreign security forces involved in the training pro-*
4 *gram, and the information relating to human rights viola-*
5 *tions that necessitates the waiver.*

6 *SEC. 8062. None of the funds appropriated or made*
7 *available in this Act to the Department of the Navy shall*
8 *be used to develop, lease or procure the T-AKE class of ships*
9 *unless the main propulsion diesel engines and propulsors*
10 *are manufactured in the United States by a domestically*
11 *operated entity: Provided, That the Secretary of Defense*
12 *may waive this restriction on a case-by-case basis by certi-*
13 *fying in writing to the Committees on Appropriations of*
14 *the House of Representatives and the Senate that adequate*
15 *domestic supplies are not available to meet Department of*
16 *Defense requirements on a timely basis and that such an*
17 *acquisition must be made in order to acquire capability for*
18 *national security purposes or there exists a significant cost*
19 *or quality difference.*

20 *SEC. 8063. None of the funds appropriated or other-*
21 *wise made available by this or other Department of Defense*
22 *Appropriations Acts may be obligated or expended for the*
23 *purpose of performing repairs or maintenance to military*
24 *family housing units of the Department of Defense, includ-*
25 *ing areas in such military family housing units that may*

1 *be used for the purpose of conducting official Department*
2 *of Defense business.*

3 *SEC. 8064. Notwithstanding any other provision of*
4 *law, funds appropriated in this Act under the heading “Re-*
5 *search, Development, Test and Evaluation, Defense-Wide”*
6 *for any new start advanced concept technology demonstra-*
7 *tion project or joint capability demonstration project may*
8 *only be obligated 30 days after a report, including a de-*
9 *scription of the project, the planned acquisition and transi-*
10 *tion strategy and its estimated annual and total cost, has*
11 *been provided in writing to the congressional defense com-*
12 *mittees: Provided, That the Secretary of Defense may waive*
13 *this restriction on a case-by-case basis by certifying to the*
14 *congressional defense committees that it is in the national*
15 *interest to do so.*

16 *SEC. 8065. The Secretary of Defense shall provide a*
17 *classified quarterly report beginning 30 days after enact-*
18 *ment of this Act, to the House and Senate Appropriations*
19 *Committees, Subcommittees on Defense on certain matters*
20 *as directed in the classified annex accompanying this Act.*

21 *SEC. 8066. During the current fiscal year, none of the*
22 *funds available to the Department of Defense may be used*
23 *to provide support to another department or agency of the*
24 *United States if such department or agency is more than*
25 *90 days in arrears in making payment to the Department*

1 *of Defense for goods or services previously provided to such*
2 *department or agency on a reimbursable basis: Provided,*
3 *That this restriction shall not apply if the department is*
4 *authorized by law to provide support to such department*
5 *or agency on a nonreimbursable basis, and is providing the*
6 *requested support pursuant to such authority: Provided fur-*
7 *ther, That the Secretary of Defense may waive this restric-*
8 *tion on a case-by-case basis by certifying in writing to the*
9 *Committees on Appropriations of the House of Representa-*
10 *tives and the Senate that it is in the national security inter-*
11 *est to do so.*

12 *SEC. 8067. Notwithstanding section 12310(b) of title*
13 *10, United States Code, a Reserve who is a member of the*
14 *National Guard serving on full-time National Guard duty*
15 *under section 502(f) of title 32, United States Code, may*
16 *perform duties in support of the ground-based elements of*
17 *the National Ballistic Missile Defense System.*

18 *SEC. 8068. None of the funds provided in this Act may*
19 *be used to transfer to any nongovernmental entity ammuni-*
20 *tion held by the Department of Defense that has a center-*
21 *fire cartridge and a United States military nomenclature*
22 *designation of “armor penetrator”, “armor piercing (AP)”,*
23 *“armor piercing incendiary (API)”, or “armor-piercing in-*
24 *cendiary-tracer (API-T)”, except to an entity performing*
25 *demilitarization services for the Department of Defense*

1 *under a contract that requires the entity to demonstrate to*
2 *the satisfaction of the Department of Defense that armor*
3 *piercing projectiles are either: (1) rendered incapable of*
4 *reuse by the demilitarization process; or (2) used to manu-*
5 *facture ammunition pursuant to a contract with the De-*
6 *partment of Defense or the manufacture of ammunition for*
7 *export pursuant to a License for Permanent Export of Un-*
8 *classified Military Articles issued by the Department of*
9 *State.*

10 *SEC. 8069. Notwithstanding any other provision of*
11 *law, the Chief of the National Guard Bureau, or his des-*
12 *ignee, may waive payment of all or part of the consider-*
13 *ation that otherwise would be required under section 2667*
14 *of title 10, United States Code, in the case of a lease of*
15 *personal property for a period not in excess of 1 year to*
16 *any organization specified in section 508(d) of title 32,*
17 *United States Code, or any other youth, social, or fraternal*
18 *nonprofit organization as may be approved by the Chief*
19 *of the National Guard Bureau, or his designee, on a case-*
20 *by-case basis.*

21 *SEC. 8070. None of the funds appropriated by this Act*
22 *shall be used for the support of any nonappropriated funds*
23 *activity of the Department of Defense that procures malt*
24 *beverages and wine with nonappropriated funds for resale*
25 *(including such alcoholic beverages sold by the drink) on*

1 *a military installation located in the United States unless*
2 *such malt beverages and wine are procured within that*
3 *State, or in the case of the District of Columbia, within*
4 *the District of Columbia, in which the military installation*
5 *is located: Provided, That in a case in which the military*
6 *installation is located in more than one State, purchases*
7 *may be made in any State in which the installation is lo-*
8 *cated: Provided further, That such local procurement re-*
9 *quirements for malt beverages and wine shall apply to all*
10 *alcoholic beverages only for military installations in States*
11 *which are not contiguous with another State: Provided fur-*
12 *ther, That alcoholic beverages other than wine and malt bev-*
13 *erages, in contiguous States and the District of Columbia*
14 *shall be procured from the most competitive source, price*
15 *and other factors considered.*

16 *SEC. 8071. Funds available to the Department of De-*
17 *fense for the Global Positioning System during the current*
18 *fiscal year may be used to fund civil requirements associ-*
19 *ated with the satellite and ground control segments of such*
20 *system's modernization program.*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 8072. Of the amounts appropriated in this Act*
23 *under the heading "Operation and Maintenance, Army",*
24 *\$106,754,000 shall remain available until expended: Pro-*
25 *vided, That notwithstanding any other provision of law, the*

1 *Secretary of Defense is authorized to transfer such funds*
2 *to other activities of the Federal Government: Provided fur-*
3 *ther, That the Secretary of Defense is authorized to enter*
4 *into and carry out contracts for the acquisition of real*
5 *property, construction, personal services, and operations re-*
6 *lated to projects carrying out the purposes of this section:*
7 *Provided further, That contracts entered into under the au-*
8 *thority of this section may provide for such indemnification*
9 *as the Secretary determines to be necessary: Provided fur-*
10 *ther, That projects authorized by this section shall comply*
11 *with applicable Federal, State, and local law to the max-*
12 *imum extent consistent with the national security, as deter-*
13 *mined by the Secretary of Defense.*

14 *SEC. 8073. Section 8106 of the Department of Defense*
15 *Appropriations Act, 1997 (titles I through VIII of the mat-*
16 *ter under subsection 101(b) of Public Law 104–208; 110*
17 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*
18 *to apply to disbursements that are made by the Department*
19 *of Defense in fiscal year 2010.*

20 *SEC. 8074. In addition to amounts provided elsewhere*
21 *in this Act, \$3,750,000 is hereby appropriated to the De-*
22 *partment of Defense, to remain available for obligation*
23 *until expended: Provided, That notwithstanding any other*
24 *provision of law, these funds shall be available only for a*
25 *grant to the Fisher House Foundation, Inc., only for the*

1 *construction and furnishing of additional Fisher Houses to*
2 *meet the needs of military family members when confronted*
3 *with the illness or hospitalization of an eligible military*
4 *beneficiary.*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *SEC. 8075. Of the amounts appropriated in this Act*
7 *under the heading “Research, Development, Test and Eval-*
8 *uation, Defense-Wide”, \$202,434,000 shall be for the Israeli*
9 *Cooperative Programs: Provided, That of this amount,*
10 *\$80,092,000 shall be for the Short Range Ballistic Missile*
11 *Defense (SRBMD) program, including cruise missile de-*
12 *fense research and development under the SRBMD pro-*
13 *gram, \$50,036,000 shall be available for an upper-tier com-*
14 *ponent to the Israeli Missile Defense Architecture, and*
15 *\$72,306,000 shall be for the Arrow Missile Defense Program,*
16 *of which \$25,000,000 shall be for producing Arrow missile*
17 *components in the United States and Arrow missile compo-*
18 *nents in Israel to meet Israel’s defense requirements, con-*
19 *sistent with each nation’s laws, regulations and procedures:*
20 *Provided further, That funds made available under this*
21 *provision for production of missiles and missile components*
22 *may be transferred to appropriations available for the pro-*
23 *curement of weapons and equipment, to be merged with and*
24 *to be available for the same time period and the same pur-*
25 *poses as the appropriation to which transferred: Provided*

1 *further, That the transfer authority provided under this*
2 *provision is in addition to any other transfer authority con-*
3 *tained in this Act.*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 8076. Of the amounts appropriated in this Act*
6 *under the heading “Shipbuilding and Conversion, Navy”,*
7 *\$144,950,000 shall be available until September 30, 2010,*
8 *to fund prior year shipbuilding cost increases: Provided,*
9 *That upon enactment of this Act, the Secretary of the Navy*
10 *shall transfer such funds to the following appropriations in*
11 *the amounts specified: Provided further, That the amounts*
12 *transferred shall be merged with and be available for the*
13 *same purposes as the appropriations to which transferred:*

14 *To:*

15 *Under the heading “Shipbuilding and Con-*
16 *version, Navy, 2004/2010”:*

17 *New SSN, \$26,906,000; and*

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

20 *Under the heading “Shipbuilding and Con-*
21 *version, Navy, 2005/2010”:*

22 *New SSN, \$18,702,000; and*

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

1 *Under the heading “Shipbuilding and Con-*
2 *version, Navy, 2008/2012”:*

3 *LPD–17 Amphibious Transport Dock*
4 *Program, \$66,000,000.*

5 *SEC. 8077. None of the funds available to the Depart-*
6 *ment of Defense may be obligated to modify command and*
7 *control relationships to give Fleet Forces Command admin-*
8 *istrative and operational control of U.S. Navy forces as-*
9 *signed to the Pacific fleet: Provided, That the command and*
10 *control relationships which existed on October 1, 2004, shall*
11 *remain in force unless changes are specifically authorized*
12 *in a subsequent Act.*

13 *SEC. 8078. Notwithstanding any other provision of*
14 *law or regulation, the Secretary of Defense may exercise the*
15 *provisions of section 7403(g) of title 38, United States Code,*
16 *for occupations listed in section 7403(a)(2) of title 38,*
17 *United States Code, as well as the following:*

18 *Pharmacists, Audiologists, Psychologists, Social*
19 *Workers, Othotists/Prosthetists, Occupational Thera-*
20 *pists, Physical Therapists, Rehabilitation Therapists,*
21 *Respiratory Therapists, Speech Pathologists, Dieti-*
22 *tian/Nutritionists, Industrial Hygienists, Psychology*
23 *Technicians, Social Service Assistants, Practical*
24 *Nurses, Nursing Assistants, and Dental Hygienists:*

1 (A) The requirements of section
2 7403(g)(1)(A) of title 38, United States Code,
3 shall apply.

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

6 SEC. 8079. Funds appropriated by this Act, or made
7 available by the transfer of funds in this Act, for intelligence
8 activities are deemed to be specifically authorized by the
9 Congress for purposes of section 504 of the National Security
10 Act of 1947 (50 U.S.C. 414) during fiscal year 2010
11 until the enactment of the Intelligence Authorization Act
12 for Fiscal Year 2010.

13 SEC. 8080. None of the funds provided in this Act shall
14 be available for obligation or expenditure through a re-
15 programming of funds that creates or initiates a new pro-
16 gram, project, or activity unless such program, project, or
17 activity must be undertaken immediately in the interest of
18 national security and only after written prior notification
19 to the congressional defense committees.

20 SEC. 8081. In addition to funds made available else-
21 where in this Act, \$5,500,000 is hereby appropriated and
22 shall remain available until expended to provide assistance,
23 by grant or otherwise (such as the provision of funds for
24 information technology and textbook purchases, professional
25 development for educators, and student transition support)

1 *to public schools in states that are considered overseas as-*
2 *signments with unusually high concentrations of special*
3 *needs military dependents enrolled: Provided, That up to*
4 *2 percent of the total appropriated funds under this section*
5 *shall be available for the administration and execution of*
6 *the programs and/or events that promote the purpose of this*
7 *appropriation: Provided further, That up to 5 percent of*
8 *the total appropriated funds under this section shall be*
9 *available to public schools that have entered into a military*
10 *partnership: Provided further, That \$1,000,000 shall be*
11 *available for a nonprofit trust fund to assist in the public-*
12 *private funding of public school repair and maintenance*
13 *projects: Provided further, That \$500,000 shall be available*
14 *to fund an ongoing special education support program in*
15 *public schools with unusually high concentrations of active*
16 *duty military dependents enrolled: Provided further, That*
17 *to the extent a Federal agency provides this assistance by*
18 *contract, grant, or otherwise, it may accept and expend*
19 *non-Federal funds in combination with these Federal funds*
20 *to provide assistance for the authorized purpose.*

21 *SEC. 8082. (a) In addition to the amounts provided*
22 *elsewhere in this Act, \$3,000,000 is hereby appropriated to*
23 *the Department of Defense for “Operation and Mainte-*
24 *nance, Army National Guard”. Such amount shall be made*
25 *available to the Secretary of the Army only to make a grant*

1 *in the amount of \$3,000,000 to the entity specified in sub-*
2 *section (b) to facilitate access by veterans to opportunities*
3 *for skilled employment in the construction industry.*

4 *(b) The entity referred to in subsection (a) is the Cen-*
5 *ter for Military Recruitment, Assessment and Veterans Em-*
6 *ployment, a nonprofit labor-management cooperation com-*
7 *mittee provided for by section 302(c)(9) of the Labor-Man-*
8 *agement Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the*
9 *purposes set forth in section 6(b) of the Labor Management*
10 *Cooperation Act of 1978 (29 U.S.C. 175a note).*

11 *SEC. 8083. The budget of the President for fiscal year*
12 *2011 submitted to the Congress pursuant to section 1105*
13 *of title 31, United States Code, shall include separate budget*
14 *justification documents for costs of United States Armed*
15 *Forces' participation in contingency operations for the*
16 *Military Personnel accounts, the Operation and Mainte-*
17 *nance accounts, and the Procurement accounts: Provided,*
18 *That these documents shall include a description of the*
19 *funding requested for each contingency operation, for each*
20 *military service, to include all Active and Reserve compo-*
21 *nents, and for each appropriations account: Provided fur-*
22 *ther, That these documents shall include estimated costs for*
23 *each element of expense or object class, a reconciliation of*
24 *increases and decreases for each contingency operation, and*
25 *programmatic data including, but not limited to, troop*

1 *strength for each Active and Reserve component, and esti-*
2 *mates of the major weapons systems deployed in support*
3 *of each contingency: Provided further, That these documents*
4 *shall include budget exhibits OP-5 and OP-32 (as defined*
5 *in the Department of Defense Financial Management Regu-*
6 *lation) for all contingency operations for the budget year*
7 *and the two preceding fiscal years.*

8 *SEC. 8084. None of the funds in this Act may be used*
9 *for research, development, test, evaluation, procurement or*
10 *deployment of nuclear armed interceptors of a missile de-*
11 *fense system.*

12 *SEC. 8085. In addition to the amounts appropriated*
13 *or otherwise made available elsewhere in this Act,*
14 *\$110,640,000 is hereby appropriated to the Department of*
15 *Defense: Provided, That the Secretary of Defense shall make*
16 *grants in the amounts specified as follows: \$15,000,000 to*
17 *the United Service Organizations; \$22,500,000 to the Red*
18 *Cross; \$6,000,000 to the SOAR Virtual School District;*
19 *\$5,000,000 to The Presidio Heritage Center; \$5,000,000 to*
20 *the Paralympics Military Program; \$3,840,000 to the Ar-*
21 *rest Deterioration of Ford Island Aviation Control Tower,*
22 *Pearl Harbor, Hawaii; \$1,500,000 to the Go For Broke pro-*
23 *gram; \$800,000 to Our Military Kids; \$3,000,000 to the*
24 *New Jersey Technology Center; \$1,600,000 to the Women*
25 *in Military Service for America Memorial; \$500,000 to the*

1 *Marshall Legacy Institute; \$1,000,000 to the Vietnam Vet-*
2 *erans Memorial Fund for Demining Activities; \$18,900,000*
3 *to the Edward M. Kennedy Institute for the Senate;*
4 *\$5,000,000 to the U.S.S. Missouri Memorial Association;*
5 *\$20,000,000 to the National World War II Museum; and*
6 *\$1,000,000 for the Riverside General Hospital in Houston,*
7 *Texas, for the treatment of psychological health issues.*

8 *SEC. 8086. None of the funds appropriated or made*
9 *available in this Act shall be used to reduce or disestablish*
10 *the operation of the 53rd Weather Reconnaissance Squad-*
11 *ron of the Air Force Reserve, if such action would reduce*
12 *the WC-130 Weather Reconnaissance mission below the lev-*
13 *els funded in this Act: Provided, That the Air Force shall*
14 *allow the 53rd Weather Reconnaissance Squadron to per-*
15 *form other missions in support of national defense require-*
16 *ments during the non-hurricane season.*

17 *SEC. 8087. None of the funds provided in this Act shall*
18 *be available for integration of foreign intelligence informa-*
19 *tion unless the information has been lawfully collected and*
20 *processed during the conduct of authorized foreign intel-*
21 *ligence activities: Provided, That information pertaining to*
22 *United States persons shall only be handled in accordance*
23 *with protections provided in the Fourth Amendment of the*
24 *United States Constitution as implemented through Execu-*
25 *tive Order No. 12333.*

1 *SEC. 8088. (a) At the time members of reserve compo-*
2 *nents of the Armed Forces are called or ordered to active*
3 *duty under section 12302(a) of title 10, United States Code,*
4 *each member shall be notified in writing of the expected*
5 *period during which the member will be mobilized.*

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

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 8089. The Secretary of Defense may transfer*
13 *funds from any available Department of the Navy appro-*
14 *priation to any available Navy ship construction appro-*
15 *priation for the purpose of liquidating necessary changes*
16 *resulting from inflation, market fluctuations, or rate adjust-*
17 *ments for any ship construction program appropriated in*
18 *law: Provided, That the Secretary may transfer not to ex-*
19 *ceed \$100,000,000 under the authority provided by this sec-*
20 *tion: Provided further, That the Secretary may not transfer*
21 *any funds until 30 days after the proposed transfer has been*
22 *reported to the Committees on Appropriations of the House*
23 *of Representatives and the Senate, unless a response from*
24 *the Committees is received sooner: Provided further, That*
25 *the transfer authority provided by this section is in addi-*

1 *tion to any other transfer authority contained elsewhere in*
2 *this Act.*

3 *SEC. 8090. For purposes of section 612 of title 41,*
4 *United States Code, any subdivision of appropriations*
5 *made under the heading “Shipbuilding and Conversion,*
6 *Navy” that is not closed at the time reimbursement is made*
7 *shall be available to reimburse the Judgment Fund and*
8 *shall be considered for the same purposes as any subdivision*
9 *under the heading “Shipbuilding and Conversion, Navy”*
10 *appropriations in the current fiscal year or any prior fiscal*
11 *year.*

12 *SEC. 8091. (a) None of the funds appropriated by this*
13 *Act may be used to transfer research and development, ac-*
14 *quisition, or other program authority relating to current*
15 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

16 *(b) The Army shall retain responsibility for and oper-*
17 *ational control of the MQ-1C Sky Warrior Unmanned Aer-*
18 *ial Vehicle (UAV) in order to support the Secretary of De-*
19 *fense in matters relating to the employment of unmanned*
20 *aerial vehicles.*

21 *SEC. 8092. Of the funds provided in this Act,*
22 *\$10,000,000 shall be available for the operations and devel-*
23 *opment of training and technology for the Joint Inter-*
24 *agency Training and Education Center and the affiliated*
25 *Center for National Response at the Memorial Tunnel and*

1 *for providing homeland defense/security and traditional*
2 *warfighting training to the Department of Defense, other*
3 *Federal agencies, and State and local first responder per-*
4 *sonnel at the Joint Interagency Training and Education*
5 *Center.*

6 *SEC. 8093. Notwithstanding any other provision of*
7 *law or regulation, the Secretary of Defense may adjust wage*
8 *rates for civilian employees hired for certain health care*
9 *occupations as authorized for the Secretary of Veterans Af-*
10 *airs by section 7455 of title 38, United States Code.*

11 *SEC. 8094. Up to \$16,000,000 of the funds appro-*
12 *priated under the heading “Operation and Maintenance,*
13 *Navy” may be made available for the Asia Pacific Regional*
14 *Initiative Program for the purpose of enabling the Pacific*
15 *Command to execute Theater Security Cooperation activi-*
16 *ties such as humanitarian assistance, and payment of in-*
17 *cremental and personnel costs of training and exercising*
18 *with foreign security forces: Provided, That funds made*
19 *available for this purpose may be used, notwithstanding*
20 *any other funding authorities for humanitarian assistance,*
21 *security assistance or combined exercise expenses: Provided*
22 *further, That funds may not be obligated to provide assist-*
23 *ance to any foreign country that is otherwise prohibited*
24 *from receiving such type of assistance under any other pro-*
25 *vision of law.*

1 *SEC. 8095. None of the funds appropriated by this Act*
2 *for programs of the Office of the Director of National Intel-*
3 *ligence shall remain available for obligation beyond the cur-*
4 *rent fiscal year, except for funds appropriated for research*
5 *and technology, which shall remain available until Sep-*
6 *tember 30, 2011.*

7 *SEC. 8096. For purposes of section 1553(b) of title 31,*
8 *United States Code, any subdivision of appropriations*
9 *made in this Act under the heading “Shipbuilding and*
10 *Conversion, Navy” shall be considered to be for the same*
11 *purpose as any subdivision under the heading “Ship-*
12 *building and Conversion, Navy” appropriations in any*
13 *prior fiscal year, and the 1 percent limitation shall apply*
14 *to the total amount of the appropriation.*

15 *SEC. 8097. Notwithstanding any other provision of*
16 *this Act, to reflect savings from revised economic assump-*
17 *tions, the total amount appropriated in title II of this Act*
18 *is hereby reduced by \$194,000,000, the total amount appro-*
19 *priated in title III of this Act is hereby reduced by*
20 *\$322,000,000, the total amount appropriated in title IV of*
21 *this Act is hereby reduced by \$336,000,000, and the total*
22 *amount appropriated in title V of this Act is hereby reduced*
23 *by \$9,000,000: Provided, That the Secretary of Defense shall*
24 *allocate this reduction proportionally to each budget activ-*

1 *ity, activity group, subactivity group, and each program,*
2 *project, and activity, within each appropriation account.*

3 *SEC. 8098. Notwithstanding any other provision of*
4 *law, that not more than 35 percent of funds provided in*
5 *this Act for environmental remediation may be obligated*
6 *under indefinite delivery/indefinite quantity contracts with*
7 *a total contract value of \$130,000,000 or higher.*

8 *SEC. 8099. The Secretary of Defense shall create a*
9 *major force program category for space for the Future Years*
10 *Defense Program of the Department of Defense. The Sec-*
11 *retary of Defense shall designate an official in the Office*
12 *of the Secretary of Defense to provide overall supervision*
13 *of the preparation and justification of program rec-*
14 *ommendations and budget proposals to be included in such*
15 *major force program category.*

16 *SEC. 8100. The Director of National Intelligence shall*
17 *include the budget exhibits identified in paragraphs (1) and*
18 *(2) as described in the Department of Defense Financial*
19 *Management Regulation with the congressional budget jus-*
20 *tification books.*

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

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

7 *SEC. 8101. Notwithstanding any other provision of*
8 *law, none of the funds made available in this Act may be*
9 *used to pay negotiated indirect cost rates on a contract,*
10 *grant, or cooperative agreement (or similar arrangement)*
11 *entered into by the Department of Defense and an entity*
12 *in excess of 35 percent of the total cost of the contract, grant,*
13 *or agreement (or similar arrangement): Provided, That this*
14 *limitation shall apply only to contracts, grants, or coopera-*
15 *tive agreements entered into after the date of enactment of*
16 *this Act using funds made available in this Act for basic*
17 *research.*

18 *SEC. 8102. The Secretary of Defense shall maintain*
19 *on the homepage of the Internet website of the Department*
20 *of Defense a direct link to the Internet website of the Office*
21 *of Inspector General of the Department of Defense.*

22 *SEC. 8103. (a) Not later than 60 days after enactment*
23 *of this Act, the Office of the Director of National Intelligence*
24 *shall submit a report to the congressional intelligence com-*
25 *mittees to establish the baseline for application of re-*

1 *programming and transfer authorities for fiscal year 2010:*

2 *Provided, That the report shall include—*

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

8 *(2) a delineation in the table for each appropria-*
9 *tion by Expenditure Center and project; and*

10 *(3) an identification of items of special congress-*
11 *sional interest.*

12 *(b) None of the funds provided for the National Intel-*
13 *ligence Program in this Act shall be available for re-*
14 *programming or transfer until the report identified in sub-*
15 *section (a) is submitted to the congressional intelligence*
16 *committees, unless the Director of National Intelligence cer-*
17 *tifies in writing to the congressional intelligence committees*
18 *that such reprogramming or transfer is necessary as an*
19 *emergency requirement.*

20 *SEC. 8104. The Director of National Intelligence shall*
21 *submit to Congress each year, at or about the time that*
22 *the President’s budget is submitted to Congress that year*
23 *under section 1105(a) of title 31, United States Code, a fu-*
24 *ture-years intelligence program (including associated an-*
25 *nexes) reflecting the estimated expenditures and proposed*

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

5 *SEC. 8105. For the purposes of this Act, the term “con-*
6 *gressional intelligence committees” means the Permanent*
7 *Select Committee on Intelligence of the House of Represent-*
8 *atives, the Select Committee on Intelligence of the Senate,*
9 *the Subcommittee on Defense of the Committee on Appro-*
10 *priations of the House of Representatives, and the Sub-*
11 *committee on Defense of the Committee on Appropriations*
12 *of the Senate.*

13 *SEC. 8106. The Department of Defense shall continue*
14 *to report incremental contingency operations costs for Oper-*
15 *ation Iraqi Freedom and Operation Enduring Freedom on*
16 *a monthly basis in the Cost of War Execution Report as*
17 *prescribed in the Department of Defense Financial Manage-*
18 *ment Regulation Department of Defense Instruction*
19 *7000.14, Volume 12, Chapter 23 “Contingency Operations”,*
20 *Annex 1, dated September 2005.*

21 *SEC. 8107. The amounts appropriated in title II of*
22 *this Act are hereby reduced by \$400,000,000 to reflect excess*
23 *cash balances in Department of Defense Working Capital*
24 *Funds, as follows:*

1 of a month during fiscal year 2010 that the member is re-
2 tained on active duty as a result of application of the stop-
3 loss authority.

4 (c) *TREATMENT OF DECEASED MEMBERS.*—If an eli-
5 gible member described in subsection (a) dies before the pay-
6 ment required by this section is made, the Secretary of the
7 military department concerned shall make the payment in
8 accordance with section 2771 of title 10, United States
9 Code.

10 (d) *CLARIFICATION OF RETROACTIVE STOP-LOSS SPE-*
11 *CIAL PAY AUTHORITY.*—Section 310 of the Supplemental
12 Appropriations Act, 2009 (Public Law 111–32; 123 Stat.
13 1870) is amended by adding at the end the following new
14 subsection:

15 “(i) *EFFECT OF SUBSEQUENT REENLISTMENT OF*
16 *VOLUNTARY EXTENSION OF SERVICE.*—Members of the
17 Armed Forces, retired members, and former members other-
18 wise described in subsection (a) are not eligible for a pay-
19 ment under this section if the members—

20 “(1) voluntarily reenlisted or extended their serv-
21 ice after their enlistment or period of obligated service
22 was extended, or after their eligibility for retirement
23 was suspended, pursuant to a stop-loss authority; and

24 “(2) received a bonus for such reenlistment or ex-
25 tension of service.”

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8109. During the current fiscal year, not to ex-
3 ceed \$11,000,000 from each of the appropriations made in
4 title II of this Act for “Operation and Maintenance, Army”,
5 “Operation and Maintenance, Navy”, and “Operation and
6 Maintenance, Air Force” may be transferred by the mili-
7 tary department concerned to its central fund established
8 for Fisher Houses and Suites pursuant to section 2493(d)
9 of title 10, United States Code.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8110. Of the funds appropriated in the Intel-
12 ligence Community Management Account for the Program
13 Manager for the Information Sharing Environment,
14 \$24,000,000 is available for transfer by the Director of Na-
15 tional Intelligence to other departments and agencies for
16 purposes of Government-wide information sharing activi-
17 ties: Provided, That funds transferred under this provision
18 are to be merged with and available for the same purposes
19 and time period as the appropriation to which transferred:
20 Provided further, That the Office of Management and Budg-
21 et must approve any transfers made under this provision.

22 SEC. 8111. Funds appropriated by this Act for oper-
23 ation and maintenance may be available for the purpose
24 of making remittances to the Defense Acquisition Workforce

1 *Development Fund in accordance with the requirements of*
2 *section 1705 of title 10, United States Code.*

3 *SEC. 8112. (a) HIGH PRIORITY NATIONAL GUARD*
4 *COUNTERDRUG PROGRAMS.—Of the amount appropriated*
5 *or otherwise made available by title VI under the heading*
6 *“Drug Interdiction and Counter-Drug Activities, Defense”,*
7 *up to \$15,000,000 shall be available for the purpose of High*
8 *Priority National Guard Counterdrug Programs.*

9 *(b) SUPPLEMENT NOT SUPPLANT.—The amount made*
10 *available by subsection (a) for the purpose specified in that*
11 *subsection is in addition to any other amounts made avail-*
12 *able by this Act for that purpose.*

13 *APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES*

14 *SEC. 8113. (a) ACKNOWLEDGMENT AND APOLOGY.—*
15 *The United States, acting through Congress—*

16 *(1) recognizes the special legal and political rela-*
17 *tionship Indian tribes have with the United States*
18 *and the solemn covenant with the land we share;*

19 *(2) commends and honors Native Peoples for the*
20 *thousands of years that they have stewarded and pro-*
21 *tected this land;*

22 *(3) recognizes that there have been years of offi-*
23 *cial depredations, ill-conceived policies, and the*
24 *breaking of covenants by the Federal Government re-*
25 *garding Indian tribes;*

1 (4) *apologizes on behalf of the people of the*
2 *United States to all Native Peoples for the many in-*
3 *stances of violence, maltreatment, and neglect in-*
4 *flicted on Native Peoples by citizens of the United*
5 *States;*

6 (5) *expresses its regret for the ramifications of*
7 *former wrongs and its commitment to build on the*
8 *positive relationships of the past and present to move*
9 *toward a brighter future where all the people of this*
10 *land live reconciled as brothers and sisters, and har-*
11 *moniously steward and protect this land together;*

12 (6) *urges the President to acknowledge the*
13 *wrongs of the United States against Indian tribes in*
14 *the history of the United States in order to bring*
15 *healing to this land; and*

16 (7) *commends the State governments that have*
17 *begun reconciliation efforts with recognized Indian*
18 *tribes located in their boundaries and encourages all*
19 *State governments similarly to work toward recon-*
20 *ciling relationships with Indian tribes within their*
21 *boundaries.*

22 (b) *DISCLAIMER.—Nothing in this section—*

23 (1) *authorizes or supports any claim against the*
24 *United States; or*

1 (2) serves as a settlement of any claim against
2 the United States.

3 SEC. 8114. (a) Any agency receiving funds made
4 available in this Act, shall, subject to subsections (b) and
5 (c), post on the public website of that agency any report
6 required to be submitted by the Congress in this or any
7 other Act, upon the determination by the head of the agency
8 that it shall serve the national interest.

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

10 (1) the public posting of the report compromises
11 national security; or

12 (2) the report contains proprietary information.

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

17 SEC. 8115. (a) It is the sense of Congress that—

18 (1) All of the National Nuclear Security Admin-
19 istration sites, including the Nevada Test Site can
20 play an effective and essential role in developing and
21 demonstrating—

22 (A) innovative and effective methods for
23 treaty verification and the detection of nuclear
24 weapons and other materials; and

1 (B) *related threat reduction technologies;*

2 *and*

3 (2) *the Administrator for Nuclear Security*

4 *should expand the mission of the Nevada Test Site to*

5 *carry out the role described in paragraph (1), includ-*

6 *ing by—*

7 (A) *fully utilizing the inherent capabilities*

8 *and uniquely secure location of the Site;*

9 (B) *continuing to support the Nation’s nu-*

10 *clear weapons program and other national secu-*

11 *rity programs; and*

12 (C) *renaming the Site to reflect the ex-*

13 *panded mission of the Site.*

14 (b) *Not later than one year after the date of the enact-*

15 *ment of this Act, the Administrator for Nuclear Security*

16 *shall submit to the congressional defense committees and the*

17 *Subcommittees on Energy and Water Development of the*

18 *Committees on Appropriations a plan for improving the*

19 *infrastructure of the Nevada Test Site of the National Nu-*

20 *clear Security Administration and, if the Administrator*

21 *deems appropriate, all other sites under the jurisdiction of*

22 *the National Nuclear Security Administration—*

23 (1) *to fulfill the expanded mission of the Site de-*

24 *scribed in subsection (a); and*

1 (2) *to make the Site available to support the*
2 *threat reduction programs of the entire national secu-*
3 *urity community, including threat reduction programs*
4 *of the National Nuclear Security Administration, the*
5 *Defense Threat Reduction Agency, the Department of*
6 *Homeland Security, and other agencies as appro-*
7 *priate.*

8 *SEC. 8116. (a) None of the funds appropriated or oth-*
9 *erwise made available by this Act may be expended for any*
10 *Federal contract for an amount in excess of \$1,000,000 that*
11 *is awarded more than 60 days after the effective date of*
12 *this Act, unless the contractor agrees not to:*

13 (1) *enter into any agreement with any of its em-*
14 *ployees or independent contractors that requires, as a*
15 *condition of employment, that the employee or inde-*
16 *pendent contractor agree to resolve through arbitra-*
17 *tion any claim under title VII of the Civil Rights Act*
18 *of 1964 or any tort related to or arising out of sexual*
19 *assault or harassment, including assault and battery,*
20 *intentional infliction of emotional distress, false im-*
21 *prisonment, or negligent hiring, supervision, or reten-*
22 *tion; or*

23 (2) *take any action to enforce any provision of*
24 *an existing agreement with an employee or inde-*
25 *pendent contractor that mandates that the employee*

1 *or independent contractor resolve through arbitration*
2 *any claim under title VII of the Civil Rights Act of*
3 *1964 or any tort related to or arising out of sexual*
4 *assault or harassment, including assault and battery,*
5 *intentional infliction of emotional distress, false im-*
6 *prisonment, or negligent hiring, supervision, or reten-*
7 *tion.*

8 *(b) None of the funds appropriated or otherwise made*
9 *available by this Act may be expended for any Federal con-*
10 *tract awarded more than 180 days after the effective date*
11 *of this Act unless the contractor certifies that it requires*
12 *each covered subcontractor to agree not to enter into, and*
13 *not to take any action to enforce any provision of, any*
14 *agreement as described in paragraphs (1) and (2) of sub-*
15 *section (a), with respect to any employee or independent*
16 *contractor performing work related to such subcontract. For*
17 *purposes of this subsection, a “covered subcontractor” is an*
18 *entity that has a subcontract in excess of \$1,000,000 on a*
19 *contract subject to subsection (a).*

20 *(c) The prohibitions in this section do not apply with*
21 *respect to a contractor’s or subcontractor’s agreements with*
22 *employees or independent contractors that may not be en-*
23 *forced in a court of the United States.*

24 *(d) The Secretary of Defense may waive the applica-*
25 *tion of subsection (a) or (b) to a particular contractor or*

1 subcontractor for the purposes of a particular contract or
2 subcontract if the Secretary or the Deputy Secretary per-
3 sonally determines that the waiver is necessary to avoid
4 harm to national security interests of the United States,
5 and that the term of the contract or subcontract is not
6 longer than necessary to avoid such harm. The determina-
7 tion shall set forth with specificity the grounds for the waiv-
8 er and for the contract or subcontract term selected, and
9 shall state any alternatives considered in lieu of a waiver
10 and the reasons each such alternative would not avoid harm
11 to national security interests of the United States. The Sec-
12 retary of Defense shall transmit to Congress, and simulta-
13 neously make public, any determination under this sub-
14 section not less than 15 business days before the contract
15 or subcontract addressed in the determination may be
16 awarded.

17 SEC. 8117. (a) PROHIBITION ON CONVERSION OF
18 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CON-
19 TRACTOR PERFORMANCE.—None of the funds appropriated
20 or otherwise made available by this Act, or that remain
21 available for obligation for the Department of Defense from
22 the Consolidated Security, Disaster Assistance, and Con-
23 tinuing Appropriations Act, 2009 (Public Law 110–329),
24 the American Recovery and Reinvestment Act of 2009 (Pub-
25 lic Law 111–5), and the Supplemental Appropriations Act,

1 2009 (Public Law 111–32), may be used to begin or an-
2 nounce the competition to award to a contractor or convert
3 to performance by a contractor any functions performed by
4 Federal employees pursuant to a study conducted under Of-
5 fice of Management and Budget (OMB) Circular A–76.

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

14 *SEC. 8118. (a)(1) No National Intelligence Program*
15 *funds appropriated in this Act may be used for a mission*
16 *critical or mission essential business management informa-*
17 *tion technology system that is not registered with the Direc-*
18 *tor of National Intelligence. A system shall be considered*
19 *to be registered with that officer upon the furnishing notice*
20 *of the system, together with such information concerning*
21 *the system as the Director of the Business Transformation*
22 *Office may prescribe.*

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

1 *supporting financial and non-financial systems, or a busi-*
2 *ness system improvement of more than \$3,000,000, within*
3 *the Intelligence Community without the approval of the*
4 *Business Transformation Investment Review Board.*

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8119. *In addition to funds made available else-*
3 *where in this Act, there is hereby appropriated*
4 *\$291,715,000, to remain available until transferred: Pro-*
5 *vided, That these funds are appropriated to the “Tanker*
6 *Replacement Transfer Fund” (referred to as “the Fund”*
7 *elsewhere in this section): Provided further, That the Sec-*
8 *retary of the Air Force may transfer amounts in the Fund*
9 *to “Operation and Maintenance, Air Force”, “Aircraft Pro-*
10 *curement, Air Force”, and “Research, Development, Test*
11 *and Evaluation, Air Force”, only for the purposes of pro-*
12 *ceeding with a tanker acquisition program: Provided fur-*
13 *ther, That funds transferred shall be merged with and be*
14 *available for the same purposes and for the same time pe-*
15 *riod as the appropriations or fund to which transferred:*
16 *Provided further, That this transfer authority is in addi-*
17 *tion to any other transfer authority available to the Depart-*
18 *ment of Defense: Provided further, That the Secretary of*
19 *the Air Force shall, not fewer than 15 days prior to making*
20 *transfers using funds provided in this section, notify the*
21 *congressional defense committees in writing of the details*
22 *of any such transfer: Provided further, That the Secretary*
23 *shall submit a report no later than 30 days after the end*
24 *of each fiscal quarter to the congressional defense commit-*

1 *tees summarizing the details of the transfer of funds from*
2 *this appropriation.*

3 *SEC. 8120. (a) RESETTLEMENT SUPPORT AND OTHER*
4 *PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Sec-*
5 *tion 1244(g) of the Refugee Crisis in Iraq Act of 2007 (sub-*
6 *title C of title XII of division A of Public Law 110–181;*
7 *122 Stat. 398) is amended by striking “for a period not*
8 *to exceed eight months” and inserting “to the same extent,*
9 *and for the same periods of time, as such refugees”.*

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

17 *SEC. 8121. (a) Each congressionally directed spending*
18 *item specified in this Act or the explanatory statement re-*
19 *garding this Act that is also identified in Senate Report*
20 *111–74 and intended for award to a for-profit entity shall*
21 *be subject to acquisition regulations for full and open com-*
22 *petition on the same basis as each spending item intended*
23 *for a for-profit entity that is contained in the budget request*
24 *of the President.*

1 (b) *EXCEPTIONS.*—Subsection (a) shall not apply to
2 any contract awarded—

3 (1) by a means that is required by Federal stat-
4 ute, including for a purchase made under a mandated
5 preferential program;

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

8 (3) in an amount less than the simplified acqui-
9 sition threshold described in section 302A(a) of the
10 Federal Property and Administrative Services Act of
11 1949 (41 U.S.C. 252a(a)).

12 (c) Any congressionally directed spending item speci-
13 fied in this Act or the explanatory statement regarding this
14 Act that is intended for award to a for-profit entity and
15 is not covered by the competition requirement specified in
16 subsection (a), shall be awarded under full and open com-
17 petition, except that any contract previously awarded under
18 full and open competition that remains in effect during fis-
19 cal year 2010 shall be considered to have satisfied the condi-
20 tions of full and open competition.

21 (d) In this section, the term “congressionally directed
22 spending item” means the following:

23 (1) A congressionally directed spending item, as
24 defined in Rule XLIV of the Standing Rules of the
25 Senate.

1 (2) *A congressional earmark for purposes of rule*
2 *XXI of the House of Representatives.*

3 *SEC. 8122. None of the funds appropriated or other-*
4 *wise made available by this Act may be used to award to*
5 *a contractor or convert to performance by a contractor any*
6 *functions pursuant to a study conducted under Office of*
7 *Management and Budget (OMB) Circular A-76 or as part*
8 *of a utility privatization authorized under section 2688 of*
9 *title 10, United States Code or under any other provision*
10 *of law, that are performed by Federal employees at the*
11 *United States Military Academy, West Point, as of the date*
12 *of enactment of this Act.*

13 *SEC. 8123. None of the funds made available under*
14 *this Act may be distributed to the Association of Commu-*
15 *nity Organizations for Reform Now (ACORN) or its sub-*
16 *sidiaries.*

17 *SEC. 8124. The explanatory statement regarding this*
18 *Act printed in the House of Representatives section of the*
19 *Congressional Record on or about December 16, 2010, by*
20 *the Chairman of the Subcommittee on Defense of the Com-*
21 *mittee on Appropriations of the House of Representatives*
22 *shall have the same effect with respect to the allocation of*
23 *funds and implementation of this Act as if it were a joint*
24 *explanatory statement of a committee of conference.*

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TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$9,958,840,000.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$1,388,601,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$778,722,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$1,667,376,000.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$293,137,000.

RESERVE PERSONNEL, NAVY

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

RESERVE PERSONNEL, MARINE CORPS

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

1 *RESERVE PERSONNEL, AIR FORCE*

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

4 *NATIONAL GUARD PERSONNEL, ARMY*

5 *For an additional amount for “National Guard Per-*
6 *sonnel, Army”, \$824,966,000.*

7 *NATIONAL GUARD PERSONNEL, AIR FORCE*

8 *For an additional amount for “National Guard Per-*
9 *sonnel, Air Force”, \$9,500,000.*

10 *OPERATION AND MAINTENANCE*

11 *OPERATION AND MAINTENANCE, ARMY*

12 *For an additional amount for “Operation and Mainte-*
13 *nance, Army”, \$47,821,154,000.*

14 *OPERATION AND MAINTENANCE, NAVY*

15 *For an additional amount for “Operation and Mainte-*
16 *nance, Navy”, \$5,475,925,000.*

17 *OPERATION AND MAINTENANCE, MARINE CORPS*

18 *For an additional amount for “Operation and Mainte-*
19 *nance, Marine Corps”, \$3,430,258,000.*

20 *OPERATION AND MAINTENANCE, AIR FORCE*

21 *For an additional amount for “Operation and Mainte-*
22 *nance, Air Force”, \$9,216,319,000.*

23 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

24 *For an additional amount for “Operation and Mainte-*
25 *nance, Defense-Wide”, \$7,490,900,000, of which:*

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

5 (2) *Not to exceed \$1,570,000,000, to remain*
6 *available until expended, for payments to reimburse*
7 *key cooperating nations for logistical, military, and*
8 *other support, including access provided to United*
9 *States military operations in support of Operation*
10 *Iraqi Freedom and Operation Enduring Freedom,*
11 *notwithstanding any other provision of law: Provided,*
12 *That such reimbursement payments may be made in*
13 *such amounts as the Secretary of Defense, with the*
14 *concurrence of the Secretary of State, and in con-*
15 *sultation with the Director of the Office of Manage-*
16 *ment and Budget, may determine, in his discretion,*
17 *based on documentation determined by the Secretary*
18 *of Defense to adequately account for the support pro-*
19 *vided, and such determination is final and conclusive*
20 *upon the accounting officers of the United States, and*
21 *15 days following notification to the appropriate con-*
22 *gressional committees: Provided further, That these*
23 *funds may be used for the purpose of providing spe-*
24 *cialized training and procuring supplies and special-*
25 *ized equipment and providing such supplies and*

1 *loaning such equipment on a non-reimbursable basis*
2 *to coalition forces supporting United States military*
3 *operations in Iraq and Afghanistan, and 15 days fol-*
4 *lowing notification to the appropriate congressional*
5 *committees: Provided further, That the Secretary of*
6 *Defense shall provide quarterly reports to the congres-*
7 *sional defense committees on the use of funds provided*
8 *in this paragraph.*

9 *OPERATION AND MAINTENANCE, ARMY RESERVE*

10 *For an additional amount for “Operation and Mainte-*
11 *nance, Army Reserve”, \$204,326,000.*

12 *OPERATION AND MAINTENANCE, NAVY RESERVE*

13 *For an additional amount for “Operation and Mainte-*
14 *nance, Navy Reserve”, \$68,059,000.*

15 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

16 *For an additional amount for “Operation and Mainte-*
17 *nance, Marine Corps Reserve”, \$86,667,000.*

18 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Air Force Reserve”, \$125,925,000.*

21 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

22 *For an additional amount for “Operation and Mainte-*
23 *nance, Army National Guard”, \$321,646,000.*

1 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Air National Guard”, \$289,862,000.*

4 *OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for expenses directly relat-*
7 *ing to overseas contingency operations by United States*
8 *military forces, \$5,000,000,000, to remain available for ob-*
9 *ligation until expended: Provided, That of the funds made*
10 *available under this heading, the Secretary of Defense may*
11 *transfer these funds only to military personnel accounts, op-*
12 *eration and maintenance accounts, the defense health pro-*
13 *gram appropriation, the Mine Resistant Ambush Protected*
14 *Vehicle Fund, and working capital funds accounts: Pro-*
15 *vided further, That the funds transferred shall be merged*
16 *with and shall be available for the same purposes and for*
17 *the same time period, as the appropriation to which trans-*
18 *ferred: Provided further, That the Secretary shall notify the*
19 *congressional defense committees 15 days prior to such*
20 *transfer: Provided further, That the transfer authority pro-*
21 *vided under this heading is in addition to any other trans-*
22 *fer authority available to the Department of Defense.*

23 *AFGHANISTAN SECURITY FORCES FUND*

24 *For the “Afghanistan Security Forces Fund”,*
25 *\$6,562,769,000, to remain available until September 30,*

1 *2011: Provided, That such funds shall be available to the*
2 *Secretary of Defense, notwithstanding any other provision*
3 *of law, for the purpose of allowing the Commander, Com-*
4 *bined Security Transition Command—Afghanistan, or the*
5 *Secretary’s designee, to provide assistance, with the concur-*
6 *rence of the Secretary of State, to the security forces of Af-*
7 *ghanistan, including the provision of equipment, supplies,*
8 *services, training, facility and infrastructure repair, ren-*
9 *ovation, and construction, and funding: Provided further,*
10 *That the authority to provide assistance under this heading*
11 *is in addition to any other authority to provide assistance*
12 *to foreign nations: Provided further, That contributions of*
13 *funds for the purposes provided herein from any person,*
14 *foreign government, or international organization may be*
15 *credited to this Fund and used for such purposes: Provided*
16 *further, That the Secretary of Defense shall notify the con-*
17 *gressional defense committees in writing upon the receipt*
18 *and upon the obligation of any contribution, delineating*
19 *the sources and amounts of the funds received and the spe-*
20 *cific use of such contributions: Provided further, That the*
21 *Secretary of Defense shall, not fewer than 15 days prior*
22 *to obligating from this appropriation account, notify the*
23 *congressional defense committees in writing of the details*
24 *of any such obligation.*

1 *AIRCRAFT PROCUREMENT, NAVY*

2 *For an additional amount for “Aircraft Procurement,*
3 *Navy”, \$853,297,000, to remain available until September*
4 *30, 2012.*

5 *WEAPONS PROCUREMENT, NAVY*

6 *For an additional amount for “Weapons Procurement,*
7 *Navy”, \$50,700,000, to remain available until September*
8 *30, 2012.*

9 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*10 *CORPS*

11 *For an additional amount for “Procurement of Am-*
12 *munition, Navy and Marine Corps”, \$675,957,000, to re-*
13 *main available until September 30, 2012.*

14 *OTHER PROCUREMENT, NAVY*

15 *For an additional amount for “Other Procurement,*
16 *Navy”, \$241,018,000, to remain available until September*
17 *30, 2012.*

18 *PROCUREMENT, MARINE CORPS*

19 *For an additional amount for “Procurement, Marine*
20 *Corps”, \$893,197,000, to remain available until September*
21 *30, 2012.*

22 *AIRCRAFT PROCUREMENT, AIR FORCE*

23 *For an additional amount for “Aircraft Procurement,*
24 *Air Force”, \$736,501,000, to remain available until Sep-*
25 *tember 30, 2012.*

1 *MISSILE PROCUREMENT, AIR FORCE*

2 *For an additional amount for “Missile Procurement,*
3 *Air Force”, \$36,625,000, to remain available until Sep-*
4 *tember 30, 2012.*

5 *PROCUREMENT OF AMMUNITION, AIR FORCE*

6 *For an additional amount for “Procurement of Am-*
7 *munition, Air Force”, \$256,819,000, to remain available*
8 *until September 30, 2012.*

9 *OTHER PROCUREMENT, AIR FORCE*

10 *For an additional amount for “Other Procurement,*
11 *Air Force”, \$2,583,421,000, to remain available until Sep-*
12 *tember 30, 2012.*

13 *PROCUREMENT, DEFENSE-WIDE*

14 *For an additional amount for “Procurement, Defense-*
15 *Wide”, \$480,780,000, to remain available until September*
16 *30, 2012.*

17 *NATIONAL GUARD AND RESERVE EQUIPMENT*

18 *For procurement of aircraft, missiles, tracked combat*
19 *vehicles, ammunition, other weapons and other procure-*
20 *ment for the reserve components of the Armed Forces,*
21 *\$950,000,000, to remain available for obligation until Sep-*
22 *tember 30, 2012, of which \$575,000,000 shall be available*
23 *only for the Army National Guard: Provided, That the*
24 *Chiefs of National Guard and Reserve components shall, not*
25 *later than 30 days after the enactment of this Act, individ-*

1 ually submit to the congressional defense committees the
2 modernization priority assessment for their respective Na-
3 tional Guard or Reserve component.

4 *MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Mine Resistant Ambush Protected Vehicle*
7 *Fund, \$6,281,000,000, to remain available until September*
8 *30, 2011: Provided, That such funds shall be available to*
9 *the Secretary of Defense, notwithstanding any other provi-*
10 *sion of law, to procure, sustain, transport, and field Mine*
11 *Resistant Ambush Protected vehicles: Provided further, That*
12 *the Secretary shall transfer such funds only to appropri-*
13 *ations made available in this or any other Act for operation*
14 *and maintenance; procurement; research, development, test*
15 *and evaluation; and defense working capital funds to ac-*
16 *complish the purpose provided herein: Provided further,*
17 *That such transferred funds shall be merged with and be*
18 *available for the same purposes and the same time period*
19 *as the appropriation to which transferred: Provided further,*
20 *That this transfer authority is in addition to any other*
21 *transfer authority available to the Department of Defense:*
22 *Provided further, That the Secretary shall, not fewer than*
23 *10 days prior to making transfers from this appropriation,*
24 *notify the congressional defense committees in writing of*
25 *the details of any such transfer.*

1 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*2 *DEFENSE HEALTH PROGRAM*

3 *For an additional amount for “Defense Health Pro-*
4 *gram”, \$1,256,675,000, which shall be for operation and*
5 *maintenance.*

6 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES*7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For an additional amount for “Drug Interdiction and*
9 *Counter-Drug Activities”, \$346,603,000, to remain avail-*
10 *able until September 30, 2011.*

11 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For an additional amount for “Joint Improvised Ex-*
14 *plosive Device Defeat Fund”, \$1,762,010,000, to remain*
15 *available until September 30, 2012.*

16 *OFFICE OF THE INSPECTOR GENERAL*

17 *For an additional amount for the “Office of the Inspec-*
18 *tor General”, \$8,876,000.*

19 *GENERAL PROVISIONS—THIS TITLE*

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 9002. Upon the determination of the Secretary
3 of Defense that such action is necessary in the national in-
4 terest, the Secretary may, with the approval of the Office
5 of Management and Budget, transfer up to \$4,000,000,000
6 between the appropriations or funds made available to the
7 Department of Defense in this title: Provided, That the Sec-
8 retary shall notify the Congress promptly of each transfer
9 made pursuant to the authority in this section: Provided
10 further, That the authority provided in this section is in
11 addition to any other transfer authority available to the
12 Department of Defense and is subject to the same terms and
13 conditions as the authority provided in the Department of
14 Defense Appropriations Act, 2010: Provided further, That
15 the amount in this section is designated as being for over-
16 seas deployments and other activities pursuant to sections
17 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Con-
18 gress), the concurrent resolution on the budget for fiscal year
19 2010.

20 SEC. 9003. Supervision and administration costs asso-
21 ciated with a construction project funded with appropria-
22 tions available for operation and maintenance or the “Af-
23 ghanistan Security Forces Fund” provided in this Act and
24 executed in direct support of overseas contingency oper-
25 ations in Afghanistan, may be obligated at the time a con-

1 *struction contract is awarded: Provided, That for the pur-*
2 *pose of this section, supervision and administration costs*
3 *include all in-house Government costs.*

4 *SEC. 9004. From funds made available in this title,*
5 *the Secretary of Defense may purchase for use by military*
6 *and civilian employees of the Department of Defense in Iraq*
7 *and Afghanistan: (a) passenger motor vehicles up to a limit*
8 *of \$75,000 per vehicle and (b) heavy and light armored ve-*
9 *hicles for the physical security of personnel or for force pro-*
10 *tection purposes up to a limit of \$250,000 per vehicle, not-*
11 *withstanding price or other limitations applicable to the*
12 *purchase of passenger carrying vehicles.*

13 *SEC. 9005. Not to exceed \$1,200,000,000 of the amount*
14 *appropriated in this title under the heading “Operation*
15 *and Maintenance, Army” may be used, notwithstanding*
16 *any other provision of law, to fund the Commander’s Emer-*
17 *gency Response Program, for the purpose of enabling mili-*
18 *tary commanders in Iraq and Afghanistan to respond to*
19 *urgent humanitarian relief and reconstruction require-*
20 *ments within their areas of responsibility: Provided, That*
21 *not later than 45 days after the end of each fiscal year quar-*
22 *ter, the Secretary of Defense shall submit to the congres-*
23 *sional defense committees a report regarding the source of*
24 *funds and the allocation and use of funds during that quar-*
25 *ter that were made available pursuant to the authority pro-*

1 *vided in this section or under any other provision of law*
2 *for the purposes described herein: Provided further, That,*
3 *of the funds provided, \$500,000,000 shall not be available*
4 *until 5 days after the Secretary of Defense has completed*
5 *a thorough review of the Commander's Emergency Response*
6 *Program and provided a report on his findings to the con-*
7 *gressional defense committees.*

8 *SEC. 9006. Funds available to the Department of De-*
9 *fense for operation and maintenance may be used, notwith-*
10 *standing any other provision of law, to provide supplies,*
11 *services, transportation, including airlift and sealift, and*
12 *other logistical support to coalition forces supporting mili-*
13 *tary and stability operations in Iraq and Afghanistan: Pro-*
14 *vided, That the Secretary of Defense shall provide quarterly*
15 *reports to the congressional defense committees regarding*
16 *support provided under this section.*

17 *SEC. 9007. Each amount in this title is designated as*
18 *being for overseas deployments and other activities pursu-*
19 *ant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13*
20 *(111th Congress), the concurrent resolution on the budget*
21 *for fiscal year 2010.*

22 *SEC. 9008. None of the funds appropriated or other-*
23 *wise made available by this or any other Act shall be obli-*
24 *gated or expended by the United States Government for a*
25 *purpose as follows:*

1 (1) *To establish any military installation or base*
2 *for the purpose of providing for the permanent sta-*
3 *tioning of United States Armed Forces in Iraq.*

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

6 (3) *To establish any military installation or base*
7 *for the purpose of providing for the permanent sta-*
8 *tioning of United States Armed Forces in Afghani-*
9 *stan.*

10 *SEC. 9009. None of the funds made available in this*
11 *Act may be used in contravention of the following laws en-*
12 *acted or regulations promulgated to implement the United*
13 *Nations Convention Against Torture and Other Cruel, In-*
14 *human or Degrading Treatment or Punishment (done at*
15 *New York on December 10, 1984):*

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

18 (2) *Section 2242 of the Foreign Affairs Reform*
19 *and Restructuring Act of 1998 (division G of Public*
20 *Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231*
21 *note) and regulations prescribed thereto, including*
22 *regulations under part 208 of title 8, Code of Federal*
23 *Regulations, and part 95 of title 22, Code of Federal*
24 *Regulations.*

1 (3) *Sections 1002 and 1003 of the Department of*
2 *Defense, Emergency Supplemental Appropriations to*
3 *Address Hurricanes in the Gulf of Mexico, and Pan-*
4 *demic Influenza Act, 2006 (Public Law 109–148).*

5 *SEC. 9010. (a) The Director of the Office of Manage-*
6 *ment and Budget, in consultation with the Secretary of De-*
7 *fense; the Commander of the United States Central Com-*
8 *mand; the Commander, Multi-National Security Transition*
9 *Command—Iraq; and the Commander, Combined Security*
10 *Transition Command—Afghanistan, shall submit to the*
11 *congressional defense committees not later than 45 days*
12 *after the end of each fiscal quarter a report on the proposed*
13 *use of all funds appropriated by this or any prior Act under*
14 *each of the headings “Iraq Security Forces Fund”, “Afghan-*
15 *istan Security Forces Fund”, and “Pakistan Counterinsur-*
16 *gency Fund” on a project-by-project basis, for which the*
17 *obligation of funds is anticipated during the 3-month pe-*
18 *riod from such date, including estimates by the commanders*
19 *referred to in this section of the costs required to complete*
20 *each such project.*

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

23 (1) *The use of all funds on a project-by-project*
24 *basis for which funds appropriated under the head-*
25 *ings referred to in subsection (a) were obligated prior*

1 to the submission of the report, including estimates by
2 the commanders referred to in subsection (a) of the
3 costs to complete each project.

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

12 (3) *An estimated total cost to train and equip*
13 *the Iraq, Afghanistan, and Pakistan security forces,*
14 *disaggregated by major program and sub-elements by*
15 *force, arrayed by fiscal year.*

16 (c) *The Secretary of Defense shall notify the congres-*
17 *sional defense committees of any proposed new projects or*
18 *transfers of funds between sub-activity groups in excess of*
19 *\$20,000,000 using funds appropriated by this or any prior*
20 *Act under the headings “Iraq Security Forces Fund”, “Af-*
21 *ghanistan Security Forces Fund”, and “Pakistan Counter-*
22 *insurgency Fund”.*

23 SEC. 9011. (a) *None of the funds made available in*
24 *this or any other Act may be used to release an individual*
25 *who is detained, as of June 24, 2009, at Naval Station,*

1 *Guantanamo Bay, Cuba, into the continental United*
2 *States, Alaska, Hawaii, or the District of Columbia, into*
3 *any of the United States territories of Guam, American*
4 *Samoa (AS), the United States Virgin Islands (USVI), the*
5 *Commonwealth of Puerto Rico and the Commonwealth of*
6 *the Northern Mariana Islands (CNMI).*

7 *(b) None of the funds made available in this or any*
8 *other Act may be used to transfer an individual who is de-*
9 *tained, as of June 24, 2009, at Naval Station, Guantanamo*
10 *Bay, Cuba, into the continental United States, Alaska, Ha-*
11 *waii, or the District of Columbia, into any of the United*
12 *States territories of Guam, American Samoa (AS), the*
13 *United States Virgin Islands (USVI), the Commonwealth*
14 *of Puerto Rico and the Commonwealth of the Northern Mar-*
15 *iana Islands (CNMI), for the purpose of detention, except*
16 *as provided in subsection (c).*

17 *(c) None of the funds made available in this or any*
18 *other Act may be used to transfer an individual who is de-*
19 *tained, as of June 24, 2009, at Naval Station, Guantanamo*
20 *Bay, Cuba, into the continental United States, Alaska, Ha-*
21 *waii, or the District of Columbia, into any of the United*
22 *States territories of Guam, American Samoa (AS), the*
23 *United States Virgin Islands (USVI), the Commonwealth*
24 *of Puerto Rico and the Commonwealth of the Northern Mar-*
25 *iana Islands (CNMI), for the purposes of prosecuting such*

1 *individual, or detaining such individual during legal pro-*
2 *ceedings, until 45 days after the plan described in sub-*
3 *section (d) is received.*

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

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

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

22 *(3) The costs associated with transferring the in-*
23 *dividual in question.*

24 *(4) The legal rationale and associated court de-*
25 *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 Columbia,*
7 *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 and*
11 *justification) that the individual poses little or no se-*
12 *curity risk to the United States.*

13 (7) *An assessment of any risk to the national se-*
14 *curity of the United States or its citizens, including*
15 *members of the Armed Services of the United States,*
16 *that is posed by such transfer and the actions taken*
17 *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 other*
23 *than the United States or to a freely associated State, unless*
24 *the President submits to the Congress, in classified form,*

1 *at least 15 days prior to such transfer or release, the fol-*
2 *lowing information:*

3 (1) *The name of any individual to be transferred*
4 *or released and the country or the freely associated*
5 *State to which such individual is to be transferred or*
6 *released.*

7 (2) *An assessment of any risk to the national se-*
8 *curity of the United States or its citizens, including*
9 *members of the Armed Services of the United States,*
10 *that is posed by such transfer or release and the ac-*
11 *tions taken to mitigate such risk.*

12 (3) *The terms of any agreement with the country*
13 *or the freely associated State for the acceptance of*
14 *such individual, including the amount of any finan-*
15 *cial 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 of*
19 *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 de-*
23 *scribing 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. (a) FUNDING FOR OUTREACH AND RE-*
2 *INTEGRATION SERVICES UNDER YELLOW RIBBON RE-*
3 *INTEGRATION PROGRAM.—Of the amounts appropriated or*
4 *otherwise made available by title IX, up to \$20,000,000*
5 *may be available for outreach and reintegration services*
6 *under the Yellow Ribbon Reintegration Program under sec-*
7 *tion 582(h) of the National Defense Authorization Act for*
8 *Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10*
9 *U.S.C. 10101 note).*

10 *(b) SUPPLEMENT NOT SUPPLANT.—The amount made*
11 *available by subsection (a) for the services described in that*
12 *subsection is in addition to any other amounts available*
13 *in this Act for such services.*

14 *This division may be cited as the “Department of De-*
15 *fense Appropriations Act, 2010”.*

16 ***DIVISION B—OTHER MATTERS***

17 *SEC. 1001. There are hereby appropriated such sums*
18 *as may be necessary, for an additional amount for “Food*
19 *and Nutrition Service—Supplemental Nutrition Assistance*
20 *Program” for necessary current year expenses to carry out*
21 *the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.):*
22 *Provided, That such amount shall be used only in such*
23 *amounts and at such times as may become necessary to*
24 *carry out program operations: Provided further, That*
25 *amounts so appropriated are designated as emergency re-*

1 *quirements and necessary to meet emergency needs pursu-*
2 *ant to sections 403 and 423(b) of S. Con. Res. 13 (111th*
3 *Congress), the concurrent resolution on the budget for fiscal*
4 *year 2010.*

5 *SEC. 1002. (a) IN GENERAL.—For the costs of State*
6 *administrative expenses associated with administering the*
7 *supplemental nutrition assistance program established*
8 *under the Food and Nutrition Act of 2008 (7 U.S.C. 2011*
9 *et seq.), there are hereby appropriated \$400,000,000, which*
10 *shall remain available until September 30, 2011.*

11 *(b) ALLOCATION OF FUNDS.—Funds described in sub-*
12 *section (a) shall be made available as grants to State agen-*
13 *cies as follows—*

14 *(1) 75 percent of the amounts available shall be*
15 *allocated to States based on the share of each State*
16 *of households that participate in the supplemental nu-*
17 *trition assistance program as reported to the Depart-*
18 *ment of Agriculture for the most recent 12-month pe-*
19 *riod for which data are available, adjusted by the*
20 *Secretary (as of the date of enactment) for participa-*
21 *tion in disaster programs under section 5(h) of the*
22 *Food and Nutrition Act of 2008 (7 U.S.C. 2014(h));*

23 *(2) 25 percent of the amounts available shall be*
24 *allocated to States based on the increase in the num-*
25 *ber of households that participate in the supplemental*

1 *nutrition assistance program as reported to the De-*
2 *partment of Agriculture over the most recent 12-*
3 *month period for which data are available, adjusted*
4 *by the Secretary (as of the date of enactment) for par-*
5 *ticipation in disaster programs under section 5(h) of*
6 *the Food and Nutrition Act of 2008 (7 U.S.C.*
7 *2014(h)); and*

8 *(3) Not later than 60 days after the date of en-*
9 *actment of this Act, the Secretary shall make avail-*
10 *able to States amounts based on paragraphs (1) and*
11 *(2) of this subparagraph.*

12 *(c) REALLOCATION OF FUNDS.—Funds unobligated at*
13 *the State level in fiscal year 2010 may be recovered and*
14 *reallocated to the States in fiscal year 2011.*

15 *(d) EMERGENCY DESIGNATION.—Amounts in this sec-*
16 *tion are designated as emergency requirements and nec-*
17 *essary to meet emergency needs pursuant to sections 403*
18 *and 423(b) of S. Con. Res. 13 (111th Congress), the concur-*
19 *rent resolution on the budget for fiscal year 2010.*

20 *SEC. 1003. (a) AMENDMENTS TO SECTION 119 OF*
21 *TITLE 17, UNITED STATES CODE.—*

22 *(1) IN GENERAL.—Section 119 of title 17,*
23 *United States Code, is amended—*

1 (A) in subsection (c)(1)(E), by striking “De-
2 cember 31, 2009” and inserting “February 28,
3 2010”; and

4 (B) in subsection (e), by striking “December
5 31, 2009” and inserting “February 28, 2010”.

6 (2) *TERMINATION OF LICENSE.*—

7 (A) *TERMINATION.*—Section 119 of title 17,
8 United States Code, as amended by paragraph
9 (1), shall cease to be effective on February 28,
10 2010.

11 (B) *CONFORMING AMENDMENT.*—Section
12 4(a) of the Satellite Home Viewer Act of 1994
13 (17 U.S.C. 119 note; Public Law 103–369) is re-
14 pealed.

15 (b) *AMENDMENTS TO COMMUNICATIONS ACT OF*
16 1934.—Section 325(b) of the Communications Act of 1934
17 (47 U.S.C. 325(b)) is amended—

18 (1) in paragraph (2)(C), by striking “December
19 31, 2009” and inserting “February 28, 2010”; and

20 (2) in paragraph (3)(C), by striking “January
21 1, 2010” each place it appears in clauses (ii) and
22 (iii) and inserting “March 1, 2010”.

23 (c) *EMERGENCY DESIGNATION.*—Amounts in this sec-
24 tion are designated as emergency requirements and nec-
25 essary to meet emergency needs pursuant to sections 403

1 *and 423(b) of S. Con. Res. 13 (111th Congress), the concur-*
2 *rent resolution on the budget for fiscal year 2010.*

3 *SEC. 1004. (a) USA PATRIOT IMPROVEMENT AND*
4 *REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the*
5 *USA PATRIOT Improvement and Reauthorization Act of*
6 *2005 (Public Law 109–177; 120 Stat. 195) is amended by*
7 *striking “December 31, 2009” and inserting “February 28,*
8 *2010”.*

9 *(b) INTELLIGENCE REFORM AND TERRORISM PREVEN-*
10 *TION ACT OF 2004.—Section 6001(b)(1) of the Intelligence*
11 *Reform and Terrorism Prevention Act of 2004 (Public Law*
12 *108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended*
13 *by striking “December 31, 2009” and inserting “February*
14 *28, 2010”.*

15 *SEC. 1005. Section 129 of the Continuing Appropria-*
16 *tions Resolution, 2010 (Public Law 111–68) is amended by*
17 *striking “by substituting” and all that follows through the*
18 *period at the end, and inserting “by substituting February*
19 *28, 2010 for the date specified in each such section.”.*

20 *SEC. 1006. (a) There is hereby appropriated*
21 *\$125,000,000, for an additional amount for “Small Busi-*
22 *ness Administration—Business Loans Program Account”*
23 *for fee reductions and eliminations under section 501 of di-*
24 *vision A of the American Recovery and Reinvestment Act*
25 *of 2009 (Public Law 111–5) and for the cost of guaranteed*

1 *loans under section 502 of such division: Provided, That*
2 *such cost shall be as defined in section 502 of the Congres-*
3 *sional Budget Act of 1974.*

4 *(b) Section 502(f) of division A of the American Recov-*
5 *ery and Reinvestment Act of 2009 is amended by striking*
6 *“the date 12 months after the date of enactment of this Act”*
7 *and inserting “February 28, 2010”.*

8 *(c) Amounts in this section are designated as emer-*
9 *gency requirements and necessary to meet emergency needs*
10 *pursuant to sections 403 and 423(b) of S. Con. Res. 13*
11 *(111th Congress), the concurrent resolution on the budget*
12 *for fiscal year 2010.*

13 *SEC. 1007. (a) PAYMENT.—The Secretary of the Inte-*
14 *rior may make a payment to Swain County, North Caro-*
15 *lina, in an amount of \$12,800,000, in connection with the*
16 *non-construction of the North Shore Road: Provided, That*
17 *\$4,000,000 shall be available for obligation upon enactment*
18 *of this Act: Provided further, That remaining amounts shall*
19 *not be available for obligation until 120 days following sig-*
20 *nature of an agreement between the Secretary of the Inte-*
21 *rior, Swain County, the State of North Carolina, and the*
22 *Tennessee Valley Authority that supersedes the agreement*
23 *of July 30, 1943, related to the construction of North Shore*
24 *Road between the Secretary, the County, the State, and the*
25 *Authority. For this payment, there is hereby appropriated*

1 \$6,800,000, to remain available until expended, and an
2 amount of \$6,000,000 from unobligated balances available
3 to the Department of the Interior from prior appropriations
4 to the “Construction” account for the National Park Serv-
5 ice.

6 (b) *RESCISSION.*—Of the funds appropriated in the
7 Department of Transportation and Related Agencies Ap-
8 propriations Act, 2001 (Public Law 106–346), in section
9 378 for construction of, and improvements to, North Shore
10 Road in Swain County, North Carolina, \$6,800,000 is here-
11 by permanently rescinded.

12 *SEC. 1008. (a) For purposes of the continued extension*
13 *of surface transportation programs and related authority*
14 *to make expenditures from the Highway Trust Fund and*
15 *other trust funds under sections 157 through 162 of the Con-*
16 *tinuing Appropriations Resolution, 2010, the date specified*
17 *in section 106(3) of such resolution shall be deemed to be*
18 *February 28, 2010.*

19 (b) *Section 158(c) is amended by striking the period*
20 *at the end and inserting “except for the rescission made*
21 *by section 123 of division I of the Omnibus Appropriations*
22 *Act, 2009. The amount made available for each of the ap-*
23 *portioned Federal-aid highway programs under subsection*
24 *(a) shall be reduced by an amount equaling \$33,401,492*

1 *multiplied by the amount calculated under subsection (a)*
2 *and divided by \$23,941,505,262”.*

3 *SEC. 1009. (a)(1) Section 4007 of the Supplemental*
4 *Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.*
5 *3304 note) is amended—*

6 *(A) by striking “December 31, 2009” each place*
7 *it appears and inserting “February 28, 2010”;*

8 *(B) in the heading for subsection (b)(2), by strik-*
9 *ing “DECEMBER 31, 2009” and inserting “FEBRUARY*
10 *28, 2010”; and*

11 *(C) in subsection (b)(3), by striking “May 31,*
12 *2010” and inserting “July 31, 2010”.*

13 *(2) Section 2002(e) of the Assistance for Unemployed*
14 *Workers and Struggling Families Act, as contained in Pub-*
15 *lic Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is*
16 *amended—*

17 *(A) in paragraph (1)(B), by striking “before*
18 *January 1, 2010” and inserting “on or before Feb-*
19 *ruary 28, 2010”;*

20 *(B) in the heading for paragraph (2), by strik-*
21 *ing “JANUARY 1, 2010” and inserting “FEBRUARY 28,*
22 *2010”; and*

23 *(C) in paragraph (3), by striking “June 30,*
24 *2010” and inserting “August 31, 2010”.*

1 (3) *Section 2005 of the Assistance for Unemployed*
2 *Workers and Struggling Families Act, as contained in Pub-*
3 *lic Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is*
4 *amended—*

5 (A) *by striking “January 1, 2010” each place it*
6 *appears and inserting “February 28, 2010”; and*

7 (B) *in subsection (c), by striking “June 1, 2010”*
8 *and inserting “July 31, 2010”.*

9 (4) *Section 5 of the Unemployment Compensation Ex-*
10 *tension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304*
11 *note) is amended by striking “May 30, 2010” and inserting*
12 *“July 31, 2010”.*

13 (b) *Section 4004(e)(1) of the Supplemental Appropria-*
14 *tions Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)*
15 *is amended by striking “by reason of” and all that follows*
16 *and inserting the following: “by reason of—*

17 (A) *the amendments made by section*
18 *2001(a) of the Assistance for Unemployed Work-*
19 *ers and Struggling Families Act;*

20 (B) *the amendments made by sections 2*
21 *through 4 of the Worker, Homeownership, and*
22 *Business Assistance Act of 2009; and*

23 (C) *the amendments made by section 1009*
24 *of the Department of Defense Appropriations*
25 *Act, 2010; and”.*

1 (c) *Amounts in this section are designated as emer-*
2 *gency requirements and necessary to meet emergency needs*
3 *pursuant to sections 403 and 423(b) of S. Con. Res. 13*
4 *(111th Congress), the concurrent resolution on the budget*
5 *for fiscal year 2010.*

6 SEC. 1010. (a) *EXTENSION OF ELIGIBILITY PERIOD.—*
7 *Subsection (a)(3)(A) of section 3001 of division B of the*
8 *American Recovery and Reinvestment Act of 2009 (Public*
9 *Law 111–5) is amended by striking “December 31, 2009”*
10 *and inserting “February 28, 2010”.*

11 (b) *EXTENSION OF MAXIMUM DURATION OF ASSIST-*
12 *ANCE.—Subsection (a)(2)(A)(i)(I) of such section is*
13 *amended by striking “9 months” and inserting “15*
14 *months”.*

15 (c) *RULES RELATED TO 2009 EXTENSION.—Sub-*
16 *section (a) of such section is further amended by adding*
17 *at the end the following:*

18 “(16) *RULES RELATED TO 2009 EXTENSION.—*
19 “(A) *ELECTION TO PAY PREMIUMS RETRO-*
20 *ACTIVELY AND MAINTAIN COBRA COVERAGE.—In*
21 *the case of any premium for a period of coverage*
22 *during an assistance eligible individual’s transi-*
23 *tion period, such individual shall be treated for*
24 *purposes of any COBRA continuation provision*

1 *as having timely paid the amount of such pre-*
2 *mium if—*

3 *“(i) such individual was covered under*
4 *the COBRA continuation coverage to which*
5 *such premium relates for the period of cov-*
6 *erage immediately preceding such transition*
7 *period, and*

8 *“(ii) such individual pays, not later*
9 *than 60 days after the date of the enactment*
10 *of this paragraph (or, if later, 30 days after*
11 *the date of provision of the notification re-*
12 *quired under subparagraph (D)(ii)), the*
13 *amount of such premium, after the applica-*
14 *tion of paragraph (1)(A).*

15 *“(B) REFUNDS AND CREDITS FOR RETRO-*
16 *ACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In*
17 *the case of an assistance eligible individual who*
18 *pays, with respect to any period of COBRA con-*
19 *tinuation coverage during such individual’s*
20 *transition period, the premium amount for such*
21 *coverage without regard to paragraph (1)(A),*
22 *rules similar to the rules of paragraph (12)(E)*
23 *shall apply.*

24 *“(C) TRANSITION PERIOD.—*

1 “(i) *IN GENERAL.*—For purposes of
2 this paragraph, the term ‘transition period’
3 means, with respect to any assistance eligi-
4 ble individual, any period of coverage if—

5 “(I) such period begins before the
6 date of the enactment of this para-
7 graph, and

8 “(II) paragraph (1)(A) applies to
9 such period by reason of the amend-
10 ment made by section 1010(b) of the
11 Department of Defense Appropriations
12 Act, 2010.

13 “(ii) *CONSTRUCTION.*—Any period
14 during the period described in subclauses
15 (I) and (II) of clause (i) for which the ap-
16 plicable premium has been paid pursuant
17 to subparagraph (A) shall be treated as a
18 period of coverage referred to in such para-
19 graph, irrespective of any failure to timely
20 pay the applicable premium (other than
21 pursuant to subparagraph (A)) for such pe-
22 riod.

23 “(D) *NOTIFICATION.*—

24 “(i) *IN GENERAL.*—In the case of an
25 individual who was an assistance eligible

1 *individual at any time on or after October*
2 *31, 2009, or experiences a qualifying event*
3 *(consisting of termination of employment)*
4 *relating to COBRA continuation coverage*
5 *on or after such date, the administrator of*
6 *the group health plan (or other entity) in-*
7 *volved shall provide an additional notifica-*
8 *tion with information regarding the amend-*
9 *ments made by section 1010 of the Depart-*
10 *ment of Defense Appropriations Act, 2010,*
11 *within 60 days after the date of the enact-*
12 *ment of such Act or, in the case of a quali-*
13 *fying event occurring after such date of en-*
14 *actment, consistent with the timing of noti-*
15 *fications under paragraph (7)(A).*

16 “(i) *TO INDIVIDUALS WHO LOST AS-*
17 *SISTANCE.—In the case of an assistance eli-*
18 *gible individual described in subparagraph*
19 *(A)(i) who did not timely pay the premium*
20 *for any period of coverage during such indi-*
21 *vidual’s transition period or paid the pre-*
22 *mium for such period without regard to*
23 *paragraph (1)(A), the administrator of the*
24 *group health plan (or other entity) involved*
25 *shall provide to such individual, within the*

1 *first 60 days of such individual’s transition*
2 *period, an additional notification with in-*
3 *formation regarding the amendments made*
4 *by section 1010 of the Department of De-*
5 *fense Appropriations Act, 2010, including*
6 *information on the ability under subpara-*
7 *graph (A) to make retroactive premium*
8 *payments with respect to the transition pe-*
9 *riod of the individual in order to maintain*
10 *COBRA continuation coverage.*

11 “(iii) *APPLICATION OF RULES.—Rules*
12 *similar to the rules of paragraph (7) shall*
13 *apply with respect to notifications under*
14 *this subparagraph.”.*

15 *(d) CLARIFICATION THAT ELIGIBILITY AND NOTICE IS*
16 *BASED ON TIMING OF QUALIFYING EVENT.—Subsection (a)*
17 *of such section is amended—*

18 *(1) in paragraph (3)(A)—*

19 *(A) by striking “at any time” and inserting*
20 *“such qualified beneficiary is eligible for COBRA*
21 *continuation coverage related to a qualifying*
22 *event occurring”; and*

23 *(B) by striking “, such qualified beneficiary*
24 *is eligible for COBRA continuation coverage”;*
25 *and*

1 (2) *in paragraph (7)(A), by striking “become en-*
2 *titled to elect COBRA continuation coverage” and in-*
3 *serting “have a qualifying event relating to COBRA*
4 *continuation coverage”.*

5 (e) *EFFECTIVE DATE.—The amendments made by this*
6 *section shall take effect as if included in the provisions of*
7 *section 3001 of division B of the American Recovery and*
8 *Reinvestment Act of 2009 to which they relate.*

9 (f) *EMERGENCY DESIGNATIONS.—*

10 (1) *IN GENERAL.—Amounts in this section are*
11 *designated as emergency requirements and necessary*
12 *to meet emergency needs pursuant to sections 403 and*
13 *423(b) of S. Con. Res. 13 (111th Congress), the con-*
14 *current resolution on the budget for fiscal year 2010.*

15 (2) *PAYGO.—All applicable provisions in this*
16 *section are designated as an emergency for purposes*
17 *of pay-as-you-go principles.*

18 SEC. 1011. (a) *IN GENERAL.—Section 1848(d) of the*
19 *Social Security Act (42 U.S.C. 1395w–4(d)) is amended by*
20 *adding at the end the following new paragraph:*

21 “*(10) UPDATE FOR PORTION OF 2010.—*

22 “*(A) IN GENERAL.—Subject to paragraphs*
23 *(7)(B), (8)(B), and (9)(B), in lieu of the update*
24 *to the single conversion factor established in*
25 *paragraph (1)(C) that would otherwise apply for*

1 2010 for the period beginning on January 1,
 2 2010, and ending on February 28, 2010, the up-
 3 date to the single conversion factor shall be 0
 4 percent for 2010.

5 “(B) NO EFFECT ON COMPUTATION OF CON-
 6 VERSION FACTOR FOR REMAINING PORTION OF
 7 2010 AND SUBSEQUENT YEARS.—The conversion
 8 factor under this subsection shall be computed
 9 under paragraph (1)(A) for the period beginning
 10 on March 1, 2010, and ending on December 31,
 11 2010, and for 2011 and subsequent years as if
 12 subparagraph (A) had never applied.”.

13 (b) FUNDING FROM MEDICARE IMPROVEMENT
 14 FUND.—Section 1898(b)(1) of such Act (42 U.S.C.
 15 1395iii(b)(1)) is amended—

16 (1) in subparagraph (A)—

17 (A) by striking “\$22,290,000,000” and in-
 18 serting “\$20,740,000,000”; and

19 (B) by striking “and” at the end;

20 (2) by redesignating subparagraph (B) as sub-
 21 paragraph (C); and

22 (3) by inserting after subparagraph (A) the fol-
 23 lowing new subparagraph:

24 “(B) fiscal year 2015, \$550,000,000; and”.

1 *SEC. 1012. Notwithstanding any other provision of*
2 *law, the Secretary of Health and Human Services shall not*
3 *publish updated poverty guidelines for 2010 under section*
4 *673(2) of the Omnibus Budget Reconciliation Act of 1981*
5 *(42 U.S.C. 9902(2)) before March 1, 2010, and the poverty*
6 *guidelines published under such section on January 23,*
7 *2009, shall remain in effect until updated poverty guide-*
8 *lines are published.*

9 *SEC. 1013. From the “National Telecommunications*
10 *and Information Administration—Digital-to-Analog Con-*
11 *verter Box Program” in the Department of Commerce,*
12 *\$128,000,000 is hereby rescinded.*

13 *SEC. 1014. The explanatory statement regarding this*
14 *Act printed in the House of Representatives section of the*
15 *Congressional Record on or about December 16, 2010, by*
16 *the Chairman of the Subcommittee on Defense of the Com-*
17 *mittee on Appropriations of the House of Representatives*
18 *shall have the same effect with respect to the allocation of*
19 *funds and implementation of this Act as if it were a joint*
20 *explanatory statement of a committee of conference.*

Attest:

Clerk.

11TH CONGRESS
1ST SESSION

H.R. 3326

**HOUSE AMENDMENT TO
SENATE AMENDMENT**